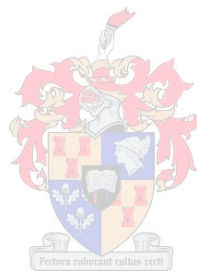


JUSTICE BETWEEN FAIRNESS AND LOVE?
*Developing a Christian notion of justice in critical
dialogue with John Rawls and Reinhold Niebuhr*

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Declaration

By submitting this dissertation electronically, I declare that the entirety of the work contained therein is my own, original work, that I am the owner of the copyright thereof (unless to the extent explicitly otherwise stated) and that I have not previously in its entirety or in part submitted it for obtaining any qualification.

Date: March 2011

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Abstract

This thesis is a critical study of the work of John Rawls, political philosopher, and Reinhold Niebuhr, theologian. The work of these two scholars is brought into dialogue with theological thought to work towards a Christian notion of justice which seeks more than justice as fairness but realises the impossibility of perfect love in this world.

Rawls's two principles of justice form the basis of the discussion, with liberty placed prior to equality, and permissible inequalities only allowed when the weakest benefit. He excludes religion and moral reasoning from justice, essentially any thick theory of the good, in favour of the right; any conception of the good must be in agreement with the right and a thin theory of the good is necessary to guide people in the right direction. In his later works he accepts that people will mostly be guided by some moral or religious thought.

Niebuhr believed that a prophetic religion combines an utmost seriousness about history with a transcendent norm. Hope, faith and love form the foundation of a call to a continual struggle for justice and equality. The boundaries in which justice is sought are being continually extended as global cooperation and dependence increase. Perfect justice would be a state of solidarity with no conflict of interests. Because people are a combination of vitality and reason, the social coherence of life can never be based on pure rationality. Our truth is never the truth; we are always subjective and prejudiced. There can be no universal rational standards of justice or neutrality in social struggle. Love is the primary law of nature and a fundamental requirement of social existence. We are called to involvement in society by the very nature of our justification by faith. Equality as the pinnacle of the ideal of justice points towards love as the final norm of justice; for equal justice is the realization of community under the conditions of sin. Justice as imperfect love aims for an equality

which is increasingly inclusive and continuously creates space for people to live in harmony.

In the final chapter, Rawls and Niebuhr are brought into critical discussion with other theologians. The Christian preference for the poor, an inherent part of theological justice begins the discussion. The importance of moral reasoning for justice comes into conflict with Rawls's idea that there should be no thick theory of the good influencing justice. Human dignity is an important facet of justice. The inalienable dignity owed to every human being, created in the image of God, is an essential part of theology and can enrich secular theories of justice. Justice necessitates community. People learn how to behave in a way which is just, moral and ethical from their associations in communities. The church community can provide an important place where dialogue and learning can take place. The boundaries of justice are ever-increasing. Globalisation presents challenges to where and how justice is implemented and we become increasingly aware of how our actions affect other people. The responsibility of the struggle for justice is ever-increasing. The eschatological hope and the specific way of life which can be offered by the church complete the Christian notion of justice.

Opsomming

Hierdie tesis is 'n kritiese studie van die werk van die politieke filosoof John Rawls en die teoloog Reinhold Niebuhr. Hierdie denkers se werk word met teologiese nadenke in gesprek gebring om sodoende 'n Christelike idee van geregtigheid te vorm wat meer as billikheid wil wees, en wat terselfdertyd die onmoontlikheid van perfekte liefde in dié wêreld erken.

Rawls se twee beginsels van geregtigheid vorm die basis van die argument, deurdat vryheid voor gelykheid geplaas word en met die enigste toelaatbare ongelykhede dié wat tot die swakstes se voordeel is. Hy maak nie gebruik van godsdienstige of morele arugmente om geregtigheid te begrend of vul nie – enige begrip van die goeie moet in ooreenstemming met die regte wees en slegs 'n dun teorie van die goeie is nodig om mense in die regte rigting te lei. Hy aanvaar in sy latere werk dat die meeste mense tog deur morele denke of godsdiens gelei sal word.

Niebuhr glo dat 'n profetiese godsdiens 'n diepe erns met die geskiedenis met 'n transendente norm kombineer. Hoop, geloof en liefde vorm die grondslag van 'n oproep tot 'n voortdurende stryd om geregtigheid en gelykheid. Die beperkinge waarbinne geregtigheid gesoek word, word voortdurend uitgebrei soos globale samewerking en afhanklikheid verhoog. Volmaakte geregtigheid sou 'n toestand van solidariteit met geen konflik van belange wees. Omdat mense 'n kombinasie van vitaliteit en rede is, kan die sosiale kohesie van die lewe nooit op suiwer rasionaliteit gebaseer word nie. Óns waarheid is nooit dié waarheid nie en ons is altyd subjektief en bevooroordeeld. Daar kan geen universele rasonale standarde van geregtigheid of neutraliteit in die sosiale stryd wees nie. Liefde is die primêre wet van die natuur en 'n fundamentele vereiste vir sosiale bestaan. Ons word geroep tot betrokkenheid in die samelewing op grond van die regverdigmaking deur geloof. Gelykheid as die toppunt

van geregtigheid verwys na liefde as die finale norm van geregtigheid, want gelyke geregtigheid is die verwesenliking van die gemeenskap onder die voorwaardes van die sonde. Geregtigheid as onvolmaakte liefde het gelykheid wat toenemend inklusief is en voortdurend ruimte skep waar mense in harmonie kan lewe ten doel.

In die laaste hoofstuk van hierdie studie word Rawls en Niebuhr in kritiese gesprek met ander teoloë gebring. Die bespreking begin met die Christelike voorrang vir die armes, 'n basiese element van teologiese geregtigheid. Die belang van morele redenering vir geregtigheid kom in konflik met Rawls se idee dat enige dik teorie van die goeie geregtigheid nie behoort te beïnvloed nie. Menswaardigheid is 'n belangrike faset van geregtigheid. Elke mens – as beeld van God – se onvervreembare waardigheid, vorm 'n noodsaaklike deel van die teologie en kan sekulêre teorieë van geregtigheid verryk. Geregtigheid vereis gemeenskap. Mense kan in gemeenskappe leer hoe om op te tree op 'n manier wat regverdig, moreel en eties is. Die kerk as gemeenskap kan 'n belangrike plek wees waar dialoog en opvoeding kan plaasvind. Die omvang van geregtigheid neem steeds toe. Globalisering bied uitdagings oor waar en hoe geregtigheid geïmplementeer behoort te word en ons raak meer bewus van hoe ons aksies ander mense beïnvloed. Die verantwoordelikheid vir die stryd om geregtigheid neem ook steeds toe. Die eskatologiese hoop en die manier van lewe wat die kerk kan aanbied voltooi die Christelike idee van geregtigheid.

*Dedicated to
my best friend and the love of my life,
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Chapter 1

Introduction

1.1 The Research Question

During my undergraduate years, and in particular during my research for my masters degree on justice and love, I became increasingly interested in and passionate about justice, predominantly in how theological ethics relates to and dialogues with social, economic and political justice. As a theologian, I am convinced that theology has a specific role to play in being a voice for the voiceless, and looking after the weak and poor. The necessity of entering into dialogue with other disciplines cannot be overlooked, hence my interest in a more philosophical background to this theme. The necessity of encouraging dialogue not only inter-disciplinary dialogue but also interaction between the various strata of the community, the refusal to accept the status quo and the recognition that our truth is not the only truth has become increasingly clear to me. Our justice will never be completely just, and it is this realization that needs to call us into continual action, struggling for a better and more equal justice.

There are many theories of justice, many of them opposing theories. Justice is not a straightforward matter with easy answers; the injustice

which remains rampant in society is testament to this. Justice needs to take seriously the injustice in the world and the specific contexts in which the injustice occurs. Most situations require a unique response, grounding justice firmly in a specific place and time. At the same time there needs to be some sense of what justice is, in order to recognise injustice and to realize the shortcomings of justice. Justice therefore needs to be both timeless and ahistorical and firmly grounded in the historical.¹

Justice needs to, therefore, be relevant to the particular situation. The injustices may change over time, and what was once a just system may, over a certain period, become unjust. It is necessary to be continually critical of our laws and policies to guard against moral superiority and oppression. Karen Lebacqz suggests that when talking about injustice, a plurality of theories of justice is needed (1986:123). This thesis proposes that it is not necessarily a theory or theories that are necessary, but a notion of justice. Developing a Christian conscience about injustice and living in hope which leads to action may be more important than a theory of justice. This necessitates dialogue between various disciplines and theories about justice. There are many elegant and persuasive theories of justice. Rawls and Niebuhr represent just two of the people who have offered influential contributions to the subject. Any discussion about justice needs to remain open ended; until perfect justice is attained there can be no final word on the subject.

For John Rawls, fairness is the starting point for developing the principles of justice. These principles form the basis of just institutions and will be acceptable to all rational people. In turn, the just institutions will ensure

¹ In her later book, Karen Lebacqz suggests that justice is both pre-eminently historical and radically free from history. "*It must be pre-eminently historical* because it originates in the protest against injustice. In order to understand the injustice, and to know where justice would lie in correcting it, attention must be paid to history. Justice is not simply treating people in accord with 'need,' because it makes a difference why the need arose. Where someone has been wronged by another, there are special obligations of justice in addition to any obligations created by the mere existence of need. *At the same time, justice must be radically free from history*, for the future to be posited is not dependent on the possibilities inherent in the past. If the future depends on the past, then patterns of injustice will be perpetuated into that future" (1987:153 my italics).

that society is ordered in the most just and fair way possible. For Reinhold Niebuhr, justice is imperfect love. Christian realism means that we do not have a utopian view of the world, but accept our finiteness and our dependence upon God. In response to the saving grace of God, we live lives which are always seeking to be more just. Rawls offers a philosophical starting point and Niebuhr an ethical one. These two traditions are often viewed as mutually exclusive. Justice as fairness seeks primarily to exclude any ethical and religious concept in its attempt to reach an overlapping consensus. Justice as imperfect love will always contain elements of love, but this is not enough because it will always be imperfect. The challenge is to develop and apply a Christian notion of justice in a way which is acceptable and understandable outside of theological circles while seeking a way for justice to be more than fairness.

Interesting and varied discourses have developed from the work of both John Rawls and Reinhold Niebuhr, as various scholars and schools have grappled to either improve upon or disprove the theories and ideas originally put forward by these two scholars. This thesis will enter into a critical dialogue with Rawls and Niebuhr in an attempt to extend Rawls's idea of justice as fairness with a broader idea of Christian love. Perfect love remains a hope for the future however, so justice and equality can hopefully find a space beyond fairness, which does, however, become more inclusive and love-filled. Justice is not only about eradicating injustice and forming a fairer and more equal society where people can live a good life. There is another part of justice which goes hand in hand with giving people equal liberty, equal opportunity and ensuring that they can use the resources which they have available to them. Theology should take seriously the dignity of each person.

Thus, the proposed research question is: **Justice between fairness and love? Developing a Christian notion of justice in critical dialogue with John Rawls and Reinhold Niebuhr.**

1.2 The Research Process

This thesis is a literature study. Both primary and secondary sources will be used. The main works will be *A Theory of Justice* (1972) by John Rawls, as well as his more recent *Justice as Fairness, A Restatement* (2001) and various essays and responses to criticisms. The main focus on Reinhold Niebuhr's work on love and justice will be his books *Moral Man and Immoral Society* (1932), and *The Nature and Destiny of Man (Vol I and II)* (1941) with reference to collections of essays and smaller publications.

Secondary sources will include critical works by various theologians and social scientists including Wolfgang Huber, Heinrich Bedford-Strohm, Nicholas Wolterstorff, Duncan Forrester, David Fergusson, Martha Nussbaum, Karen Lebacqz and Amartya Sen. South African perspectives include Piet Naudé's master's thesis (*Regverdigheid as billikheid : 'n kritiese analise van die objektiwiteitsideaal in John Rawls se sosiale kontraktheorie van distributiewe regverdigheid* (1982)) and Steve de Gruchy's doctoral dissertation (*Not liberation but justice. An Analysis of Reinhold Niebuhr's Understanding of Human Destiny in the Light of the Doctrine of the Atonement* (1992)).

In the second chapter the investigation begins with an introduction to and a critical analysis of the discourse which developed from the theory of John Rawls, with particular emphasis on how responsibility and community are developed in his work. Rawls based his argument for justice as fairness on the social contract theories of Kant and Rousseau, where the moral sovereignty of each individual is realized. The most important contribution of Rawls is his theory of justice as fairness, published in 1971. He described the one practicable aim of justice as fairness to provide an "acceptable philosophical and moral basis for

democratic institutions and thus to address the question of how the claims of liberty and equality are to be understood” (Rawls 2001:5). The concept of ‘justice as fairness’ is developed from the original position in which the principles of justice are selected. This idea is worked out in conjunction with two companion ideas, namely the idea of citizens as free and equal persons, and the idea of a well-ordered society. The influence of this work on many democratic governments is undeniable, as well as forming the basis for many discussions on justice. I will argue that it offers a good theoretical starting point for any practical theory of justice. This theory is not only metaphysical, but it is inherently political (particularly in the later collection of essays published in *Political Liberalism* (1993)), and Rawls himself emphasized the importance of looking for such a conception of justice in a democratic society (Rawls 2003:187).

Rawls’s theory is based on two principles of justice where the first principle claims equal liberties for all and permitted inequalities are formulated in the second principle providing they comply with certain conditions:²

Each person has the same inalienable claim to a fully adequate scheme of equal basic liberties, which scheme is compatible with the same scheme of liberties for all; and

Social and economic inequalities are to satisfy two conditions: first, they are to be attached to offices and positions open to all under conditions of fair equality of opportunity; and second, they are to be the greatest benefit to the least-advantaged members of society (the difference principle) (Rawls 2001:43)

The first principle is prior to the second; and in the second principle fair equality of opportunity is prior to the difference principle. The role of the principles of justice is to specify the fair terms of social cooperation (Rawls 2001:7). The first applies roughly to the constitutional structures and guarantees of the political and legal systems, and the second to the operation of the social and economic systems, particularly insofar as they

² This is the most recent formulation of the two principles of justice as rewritten by Rawls in *Justice as Fairness* (2001)

can be affected by tax policies and various approaches to social security, employment, disability compensation, child support, education, medical care, and so forth (Nagel 2003:66).

The first principle is a principle of strict equality, while the second a principle of permissible inequality. Some inequalities are thus allowed, but only those that protect or improve the position of the least advantaged in society. A less extensive liberty must strengthen the total system of liberty shared by all, and a less than equal liberty must be acceptable to those with lesser liberty, ensuring that all people are treated fairly at the outset and given equal opportunity to participate in society (Will 1994:107). Thus, equality remains subordinate to liberty.

Fair equality of opportunity requires that everyone, whatever their starting place in life, has the same opportunity to develop their natural talents regardless of background. If the broad structure of society satisfies the principles of justice in its large-scale statistical effects on the life prospects of different groups, then, according to Rawls, any individual inequalities that emerge will be just. The difference principle is particularly notable, since it is one of few philosophical principles which represent the Christian notion of the priority of the poor.

Rawls believed that justice cannot be based upon any general moral conception of justice such as a religious grounding (Rawls 2003:188). Because of the diversity of doctrines and a plurality of conflicting conceptions of the good the idea of fairness found in the original position is dissociated from any moral formation and denies the participants' connections within a community; Rawls speaks of the 'veil of ignorance' where none of the participants know their own status, skills, or individual ends and goals. Any decision made regarding justice will be completely rational, since no individual identity exists. Behind the veil, no knowledge of the good is permitted.

By using the two principles of justice, justice as fairness attempts to adjudicate between contending traditions with regards to basic rights and liberties, creating a space for citizens to follow various conceptions of the good. For this to be attained, it is necessary to avoid disputed philosophical, moral and religious questions (Rawls 2003:194). Rawls says that these issues are avoided not because of lack of importance, but rather because they are too important and there is no way that they can be politically resolved. Thus, a religious grounding for justice is not acceptable in the political realm, primarily because it will not be acceptable to all thus excluding those who do not find it acceptable.

The idea of the original position, as Rawls emphasises in his later work, is idealistic. It is introduced because there is no better way to develop a political conception of justice for the basic political structure than from the fundamental idea of society as a fair system of co-operation between citizens as free and equal persons. The emphasis needs to fall on the idea of citizens as free and equal persons where no-one is forced into a certain way of thinking by a certain community. By thinking of society as a fair system of social co-operation the most appropriate principles for realizing liberty and equality in the society are realized.

Rawls realises that there is no agreement on the way basic institutions of a constitutional democracy should be arranged if they are to specify and secure the basic rights and liberties of citizens and answer to the claims of democratic equality when citizens are free and equal persons. Justice as fairness tries to adjudicate between the contending traditions and find a solution which is acceptable to all, thus the exclusion of morally justifiable principles (Rawls 2003:190). The two principles put forward by Rawls are intended to create a space where different institutions and historical traditions can recognize common basic ideas and principles. Justice as fairness avoids the autocratic use of state power by creating a principle of

toleration; the state cannot attain public agreement on basic philosophical questions without infringing on basic liberties (Rawls 2003:194). The over-arching fundamental idea is that of society as a fair system of co-operation between free and equal persons. In political thought, Rawls emphasizes that citizens do not view the social order as a fixed natural order, or as an institutional hierarchy justified by religious or aristocratic values.

The third chapter examines the ideas of justice in the work of Reinhold Niebuhr. Niebuhr believed that a prophetic religion combines an utmost seriousness about history with a transcendent norm; never permitting us to ignore history, escape from it or find our answers within it. This theology is an attempt to live out a reality in today's world of how things are supposed to be and will one day be; thus imperfect history merges with a striving for the perfect outcome. Niebuhr believed that hope, faith and love form the foundation of a call to a continual struggle for justice and equality (Niebuhr 1974:1).

For Niebuhr, the struggle for justice seeks the possibilities and limits of historical existence as well as truth (1988:174). The boundaries in which justice is sought are being continually extended as global cooperation and dependence increases. Perfect justice would be a state of solidarity with no conflict of interests; but because people are a combination of vitality and reason, the social coherence of life can never be based on pure rationality (Niebuhr 1988:174). Because we are always subjective and prejudiced there can be no universal rational standards of justice or neutrality in social struggle. The struggle for justice will always be a struggle because sinful people will never voluntarily give up their power and self-interest. Nevertheless, the justice which has been achieved in society proves that people are not only ever self-interested. People are able to synthesize opposing ideas and reach a solution which is tolerably just, which shows that they are capable of considering interests other than their own

(Niebuhr 1964b:249). Even without coercive force, people are capable of living together and can find a meeting point between opposing interests.

Because of the social nature of humanity, love is the primary law of nature and brotherhood (in Niebuhr's terminology) is the fundamental requirement of social existence (Niebuhr 1964b:244). However, this presents a perfection which is unattainable because of the sinfulness of human nature, so while justice may be a continual striving towards a state of perfect love, it will always lack the perfection of love. While justice is, and must be, constantly improved, it must also always remain aware of its own imperfections and shortcomings in relation to the perfection towards which it strives.

The rules of justice relate positively to the law of love in three ways by extending a sense of obligation towards the other "from an immediate obligation, prompted by obvious need, to a continued obligation expressed in fixed principles of mutual support; from a simple relation between a self and one 'other' to the complex relations of the self and the 'others'; and from the obligations discerned by the individual self, to the wider obligations which the community defines from its more impartial perspective" (Niebuhr 1964b:248). But there is also a negative relationship between love and justice. Justice remains only an approximation of fraternity insofar as it protects the interests of certain individuals and communities by drawing boundaries which cannot be crossed and protecting the rights of people in complex social relationships. But justice can never achieve the perfection of love as it attempts to find equality between all peoples.

The love which Niebuhr talks about is a mature love, which does not get caught up in sentimentality. Niebuhr describes love as the belief "that life has no meaning except in terms of responsibility; responsibility toward our family, toward our nation, toward our civilization and, now, by the

pressures of history, toward the universe of mankind which includes our enemies (1974:35).” This talk of responsibility, written in the midst of World War II, still speaks loudly to us today. Now, more than ever, love must be extended to all peoples as the global network becomes increasingly smaller, and the horrors of injustice become increasingly apparent. Justice must seek to prevent the strong from taking advantage of the weak, and help the weak to become stronger.

For Niebuhr, it is necessary for the government to keep power in control because power without control would result in anarchy (1964b:265-266). There needs to be a tolerable equilibrium between the various powers, even though this equilibrium results in tension. This equilibrium is a form of justice in that it prevents domination, but it is the government that is the social necessity which keeps a check on the power. The government is a conscious attempt to arrive at justice, although it may itself be a bearer of injustice and corruption. The beauty of democratic government is that the government is protected (to a greater or lesser degree) from abuse by the government itself. Niebuhr points out that to understand the failure of the government in preventing the misuse of power enables the people to work towards a higher justice (1964b:284). This is, by the very nature of the political realm, imperfect justice.

Relative justice involves the calculation of competing interests, the specification of duties and rights, and the balancing of life forces. These complex relations require justice, but such justice is always capable of improvement as is clear when viewing the continual evolvement of society. The laws and rules of justice will always reflect the partiality of human perspectives. Our justice can never fully be what it is meant to be since there are no universal or absolute standards of justice. Any attempt to codify justice, such as a list of rights, always results in injustice for one group of people, while others will benefit to a greater extent. Freedom is the essence of human nature and stands as a crucial value, but it must

always stand in deference to justice, community and equality. We must not forget that the freedom of one person ends where the freedom of the other begins.

Niebuhr sees a higher justice as meaning a more equal justice. He refers in particular to special privilege and the resulting tension which it creates between those who have it and those who do not. Equality as the pinnacle of the ideal of justice points towards love as the final norm of justice; for equal justice is the realization of community under the conditions of sin (Niebuhr 1988:181). Justice as imperfect love aims for an equality which is increasingly inclusive and continuously creates space for people to live in harmony.

The research process will conclude with a comparison of these two different approaches to justice, with particular emphasis on theological dialogue. Thus, in the final chapter, Rawls and Niebuhr are brought into critical discussion with other theologians. A brief summary of the most crucial points of their work for this thesis is followed by a critical theological discussion.

Firstly, the Christian preference for the poor, an inherent part of theological justice begins the discussion. Secondly, the importance of moral reasoning for justice comes into conflict with Rawls's idea that there should be no thick theory of the good influencing justice. The necessity of a positive view of toleration is discussed here. Thirdly, human dignity is an important facet of justice. The inalienable dignity owed to every human being, created in the image of God, is an essential part of theology and can enrich secular theories of justice. Fourthly, justice necessitates community. People learn how to behave in a way which is just, moral and ethical from their associations in communities. The church community can provide an important place where dialogue and learning can take place. Lastly, the boundaries of justice are ever-increasing. Globalisation

presents challenges to where and how justice is affected and we become increasingly aware of how our actions affect other people. The responsibility is ever-increasing.

Niebuhr was intensely aware of our finiteness and fallibility. For him, our striving for justice was part of the perfection wherein lies our hope. The eschatological aspect of our faith, manifested in our responsibility, was inseparable from our struggle for justice. The eschatological view was both an acknowledgement of our sin and an acceptance of our responsibility to not live passive and apathetic lives. The church offers a specific way of life, situated in the person of Jesus Christ. We are called to live in a certain way, according to a certain ethic.

The dialogue between theology and other disciplines, the ability to translate our specific Christian views of justice into conversations which can be understood by non-Christians, and the acceptance of the economic, social and political realms without attempting to Christianise the government, offer some idea of the complexity of a Christian notion of justice which attempts to take into account the fallibility of human beings, take seriously the poverty and oppression and need for dignity, and find a way which is acceptable to many people while respecting everyone's need for justice.

In South Africa, as in the rest of the world, the struggle for justice continues, often in the face of overwhelming odds. It is my hope that this thesis can enrich discussions about justice, equality and human dignity on both a local and global level. The injustice in the world cannot be ignored. Hopefully a Christian notion of justice as developed from a critical dialogue between Rawls and Niebuhr will enrich the arguments and debates surrounding justice in theological contexts, the broader academic world, and the local churches.

Chapter 2

John Rawls: Justice as Fairness?

2.1 Introduction

John Rawls's *A Theory of Justice* is often described as one of the most influential political philosophical works on justice during the last century. His work is controversial and has probably received as much criticism as it has praise. However, the effect it has had on discussions of justice in political philosophy and beyond is undeniable. Despite numerous problems with Rawls's work, including the original position and the validity of the two principles of justice, and the relationship between justice, individuals and institutions, the enlightenment which his work has given to critics and supporters alike is described as a "pioneering contribution" by Sen (2009:58).

Rawls's secular ideas of justice are not entirely strange to theology. Some of his fundamental ideas, such as the difference principle and the consideration of people as free, equal and rational beings, can be

supported theologically. It is the contention of this thesis that Rawls is a valuable partner to a theological discussion on justice.

The chapter begins with a short intellectual biography, followed by a general background to Rawls's ideas of justice. This is followed by an analysis of the theory of justice as found primarily in *A Theory of Justice*, but with the revisions found in Rawls's later works, most notably *Political Liberalism* and *The Law of Peoples*, both of which significantly impact the interpretation of Rawls's idea of justice. Although the discussion follows formal headings as important sections of Rawls's earlier work dictates, it is also interspersed with the more practical justice as it changes in his later works to a more political rather than philosophical concept and the relation of justice to community, which is often implied in Rawls's work, is emphasised.

The final section of the chapter focuses specifically on the relation of justice to community. The morality of justice and its development in community is an important aspect of Rawls's work, one which is sadly often ignored. The place of family, morality and religion in his work is discussed here, as well as the application of justice between generations. Although Rawls himself refused to make use of morality or religion in his discussion of justice, he also admitted the importance of a thick theory of justice and his work is undeniably tinged with some religious motivation. Rawls's view of tolerance and later willingness to create space for different moral theories and good is of distinct importance for the argument of this thesis.

2.2 Biography

John Rawls was born on 21 February 1921 in Baltimore, Maryland.¹ He completed his undergraduate studies in philosophy at Princeton University. His only recently published senior paper, *A Brief Inquiry into the Meaning of Sin and Faith*, shows definite leanings towards his Episcopalian upbringing.² He ironically rejects social-contract liberalism in this paper because of its failure to recognize that “individuals become persons insofar as they live in community” (Rawls 2009:3). His “notions of sin, faith, and community are simultaneously moral and theological and despite fundamental differences they prefigure the moral outlook found in *A theory of Justice*” (Cohen and Nagel 2009:7).³ Gregory says that “the thesis and Rawls’s late unpublished remarks on religion and World War II offer a new dimension to his intellectual biography. They show the

¹ For a detailed biography, see chapter 1 in *Rawls*, by Samuel Freeman, published by Routledge as part of the Routledge Philosophers series. Here Freeman very helpfully discusses the motivations for Rawls’s work as well as the various factors which influenced his thought throughout his career.

² In this thesis Rawls “develops a Trinitarian model of community, which he terms a ‘revolutionary’ alternative to the inadequate ‘naturalism’ of Greek philosophy, early modern liberalism, Marxism and National Socialism. He charges Augustine and Aquinas with corrupting authentic Christianity by mediating these pernicious forms of individualism and naturalism. Throughout the thesis, Rawls effectively anticipates many of the claims made by his secular and religious critics alike” (Gregory 2007:183).

³ Piet Naudé, a prominent South African theologian, did a theological evaluation of Rawls’s work, by examining his assumptions about justice from a theological perspective for his licentiate thesis (see also his master’s thesis on Rawls). For example, he points out that Rawls views people as rational moral personalities who have a natural sense of justice and who prioritise freedom in the realization of their life plans, which include a concept of the good (1981:55). While such a study undoubtedly offers much value to a Christian view of justice, we cannot forget that Rawls is not a theologian and therefore speaks in philosophical, not theological terms. However, Naudé concludes that Rawls must be included in discussions of justice, because of the general revelation by the Spirit of God. We cannot place a box around God, allowing Him only to work in theological discussions (1981:66).

Although there is Christian support of Rawls’s work (Harlan Beckley and Richard Rorty to mention a couple), Timothy Jackson in *To Bedlam and Part Way Back: John Rawls and Christian Justice*, claims that the two are incompatible. He argues that Christians will be acting on unchristian principles and being unfaithful to Christian beliefs when they are sympathetic to Rawls’s theory of justice. I disagree. Rawls offers a space for Christians to enter into dialogue with non-Christians without forcing the Christian beliefs on them. We can, however, always enter into this dialogue knowing that our humanness including our freedom is grounded upon and founded in God.

Beckley conversely sees Rawls’s theory as being founded upon general moral beliefs which can be accepted and affirmed by both Christians and others alike, without either side surrendering their beliefs (*A Christian Affirmation of Rawls*). In his second part of the essay published a year later, Beckley discusses the relationship of agape to Rawls’s theory where he claims that “love affirms, but does not replace Rawls’s idea of justice as fairness” (1986:240).

significance of his humanist response to the moral impossibility of political theology. Moreover, they also reveal a kind of Rawlsian piety marginalized by contemporary debates over religion and liberalism” (2007:179). This is an interesting beginning for someone who made so little use of morality and religion in his life’s work.

Rawls served in the US infantry, from 1943-1946, and these years were critical in turning him from budding theologian to philosopher. He married Margaret Warfield Fox in 1949 and in 1950 received his Ph.D. from Princeton. After spending a year at Oxford University, he moved to Cornell University. In 1962 he joined the Philosophy Department at Harvard University, where he would remain until his retirement in 1991.⁴ He is described by Samuel Freeman as a “quiet, witty, and modest man... a private person who spent his time either at his work, or with his family and close friends. He regularly declined requests for interviews, and chose not to take an active role in public life” (Freeman 2007:5).

In 1999, Rawls was awarded a National Humanities Medal by President Clinton and is cited by the NEH as being “one of the 20th century's most influential political philosophers, widely read among political scientists, economists and legal theorists for his views on justice, basic rights and equal opportunity.” He has received honorary degrees from Oxford, Princeton, and Harvard. Rawls died on 22 November, 2002.

⁴ Martha Nussbaum (along with others such as Andrew Reath, Barbara Herman and Christine Korsgaard) claims that Rawls was responsible for renewing an interest in the history of ethics. “His writing has revived not only the social contract tradition and the tradition of Kantian ethics, but also the Aristotelian search for the well-lived life, Hume’s and Rousseau’s theories of moral development, and Henry Sidgwick’s account of method in ethics. ... Given Rawls’s great personal modesty and his love for the great works of the tradition, *he almost always taught from historical texts*” (1999:425 my italics).

Two volumes of Rawls’s lectures, *Lectures on the History of Moral Philosophy* (2000) and the recently published *Lectures on the History of Political Philosophy* (2007) show the main influences on Rawls’s work. *Moral Philosophy* includes lectures on Hume, Leibniz, Kant and Hegel, with the lectures on Kant forming almost half of the content of the book. Hegel is used mainly as a bridge between Kant’s moral ethics and liberalism, in particular, his idea of *sittlichkeit*. *Political Philosophy* focuses on Hobbes, Locke, Hume, Rousseau, Mill and Marx. Throughout the lectures, Rawls seeks to draw parallels between his own work and the various philosophers, as well as relating the work to modern politics and liberalism.

Rawls's first book, for which he is probably best known, is *A Theory of Justice* (first published in 1971, with a revised edition published in 1999). In this work he wished to "articulate the sense of justice that people living in modern, liberal societies share" (Levine 2002:184).⁵ The question with which Rawls is concerned throughout his work is how to make life fair when where we are born, when we are born and to whom we are born is a matter of luck. Each person's prospects and opportunities are influenced by their situation in life and it is to rectifying the situation of social injustice with which Rawls concerns himself, with an intensely moral approach (Nagel 2002:78).⁶

In *Political Liberalism*, first published in 1993, Rawls aims to show "how it is realistically possible for reasonable democratic citizens to agree upon and endorse for moral reasons a liberal conception of justice that assigns priority to the basic liberties of free and equal citizens and provides a reasonable social minimum" (Freeman 2007:363). He begins by asking a fundamental question, namely "what is the most appropriate conception of justice for specifying the fair terms of social cooperation between citizens regarded as free and equal, and as fully cooperating members of society over a complete life, from one generation to the next" and seeks to find a way in which differing points of view can converge on a reasonable political conception of justice (Rawls 1993:4).⁷

⁵ Levine goes on to say that "*A Theory of Justice* is about *our* sense of fairness, as [Rawls's] use of the indirect article suggests. Rawls never claimed to have elaborated *the* theory of justice, an account that would hold for all peoples everywhere. In all likelihood, no such theory is possible because notions of fairness and therefore of justice are always historically specific" (2002:184).

⁶ It is important to note the fundamental moral concerns upon which Rawls based his theory of justice, a point which is too often over-looked. "When [these] views were set out at length in *A Theory of Justice*, the book was immediately given the full attention of an academic world hungry for *serious, morally based political theory*. ... Rawls had already had an influence in the direction of *substantive moral thought*, also provoked by the Vietnam War and domestic controversies over affirmative action, sexual freedom, and legalized abortion. His contribution was a large, intellectually rich theory – above all a theory that had strong and highly contestable consequences. By showing that disagreements about how society should be ordered could be traced to *differences in fundamental moral conceptions*, he illuminated not only the views of those who agreed with him but also those of his opponents" (Nagel 2002:82 my italics).

⁷ Rawls's views of public reason become particularly important when discussing his critical view towards any moral contribution to public discourse on justice. His thought changed in many ways

The Law of Peoples published in 1999 consists of two essays, namely *The Idea of Public Reason Revisited* and *The Law of Peoples*, which is a major reworking of a shorter article by the same name. Rawls says that “by the ‘Law of People’ I mean a particular political conception of right and justice that applies to the principles and norms of international law and practice” (Rawls 1999a:3). In this book, he attempts to put forward principles which would be respected by “a society of well-ordered people.” These often bear close resemblance to what we recognise today as the human rights put forward in various bills of rights. Rawls points out on numerous occasions that the “decent hierarchical societies,” as opposed to liberal societies are less than just and therefore, many of the principles which apply to liberal politics cannot be applied to them.⁸ Alistair Macleod suggests that in the *Law of Peoples*, Rawls appears much more willing to settle for a less expansive doctrine of human rights, possibly because he does not see his own liberal democratic principles being accepted by the international community (2006:136).

between *Theory* and *Political Liberalism*. “I end by pointing out the fundamental difference between *A Theory of Justice* and *Political Liberalism*. The first explicitly attempts to develop from the idea of the social contract, represented by Locke, Rousseau, and Kant, a theory of justice that is no longer open to objections often thought fatal to it, and that proves superior to the long dominant tradition of utilitarianism. *A Theory of Justice* hopes to present the structural features of such a theory so as to make it the best approximation to our considered judgments of justice and hence to give the most appropriate moral basis for a democratic society. Furthermore, justice as fairness is presented there as a comprehensive liberal doctrine (although the term ‘comprehensive doctrine’ is not used in the book) in which all the members of its well-ordered society affirm that same doctrine. This kind of well-ordered society contradicts the fact of reasonable pluralism and hence *Political Liberalism* regards that society as impossible.

Thus, *Political Liberalism* considers a different question, namely: How is it possible for those affirming a comprehensive doctrine, religious or nonreligious, and in particular doctrines based on religious authority, such as the Church or the Bible, also to hold a reasonable political conception of justice that supports a constitutional democratic society? The political conceptions are seen as both liberal and self-standing and not as comprehensive, whereas the religious doctrines may be comprehensive but not liberal. The two books are asymmetrical, though both have an idea of public reason. In the first, public reason is given by a comprehensive liberal doctrine, while in the second, public reason is a way of reasoning about political values shared by free and equal citizens that does not trespass on citizens’ comprehensive doctrines so long as those doctrines are consistent with a democratic polity. Thus, the well-ordered constitutional democratic society of *Political Liberalism* is one in which the dominant and controlling citizens affirm and act from irreconcilable yet reasonable comprehensive doctrines. These doctrines in turn support reasonable political conceptions – although not necessarily the most reasonable – which specify the basic rights, liberties, and opportunities of citizens in society’s basic structure” (Rawls 1999:179-180).

⁸ For example, he says that he is not saying that “a decent hierarchical society is as reasonable and just as a liberal society... a decent hierarchical society meets moral and legal requirements sufficient to override the political reasons we might have for imposing sanctions on, or forcibly intervening with, its people...” (1999a:83).

In 2001 Rawls published *Justice as Fairness*. This was a major reworking of key ideas in his *Theory*, a response to criticism and serious faults that Rawls himself found in *Theory*, as well as an attempt to connect ideas of *Theory* to those found in later essays. Most notably, it changes how justice as fairness should be understood. Originally, it was intended as part of a comprehensive moral doctrine, but it is now presented as more of a political conception of justice (2001:xvi). Rawls describes how the principles of justice relate to domestic justice as the primary structure in which institutions and associations operate. The law of peoples describes how the principles are extended to a global level (2001:11-12).

Rawls's particular interest lay in political philosophy, which he saw as being clearly differentiated from any moral conception of justice. His ideas with regards to justice are not intended to be moral doctrines, and indeed do not argue from a moral or religious point of view. He attempted to create a space where diverging viewpoints with regards to justice could find a platform for convergence, an idea he called the 'overlapping consensus'. Despite the lack of morality in his political theory, he saw political philosophy as but one part of moral theory, thus leaving a huge space for religious, moral and ethical interaction.⁹

The importance of Rawls's work is obvious not only from the number of works which use it as a basis, but also from the amount of critique which it has received. Rawls defends himself against much of the critique in later works, and adjusts some of his thinking accordingly in places. The majority of the critique is concentrated on the original position and the veil of ignorance, the two principles of justice (including the priority given to liberty, the ordering of the principles and the difference principle), as

⁹ Rawls believed that all the "essential elements for a political conception of justice be contained within the category of the political. ... the extensions of the political always remain political, and comprehensive doctrines, religious, philosophical, and moral, always extend beyond it" (2001:18). In the dialogue with Niebuhr, the political and philosophical will again appear as a question of central importance.

well as Rawls's contract method and use of Kantian principles. The libertarian critiques (particularly Robert Nozick) and the communitarian critiques probably form the most extensive critiques of Rawls's work.¹⁰

2.3 Background to Rawls's Theory of Justice

Rawls believed that justice cannot be compromised.¹¹ The only reason to suffer a theory which is unjust and, assuming the practical implementation of this theory, a society which is unjust is because of a lack of a better theory to make society more just. The history of the world, and the history of Christendom, is overflowing with the blood of the innocent shed in the name of justice, the Crusades, slavery, Nazism and Apartheid to name but a few; oppression bred of false superiority, death as a result of intolerance.

For a society to be just, it is necessary that there are stabilizing forces such as laws and institutions which are accepted by the people. Distrust, resentment, suspicion and hostility destroy justice and cause people to act in ways in which they would not normally act (Rawls 1971:6). A theory of justice should seek first to provide adequate principles to ensure that all people are treated equally with the realization that respect for human beings, for human life and dignity are non-negotiable parts of justice, and that the basic requirements of all people are provided. Rawls emphasises the influence which the political and the moral spheres have on the behaviour of people. He believes that the "great evils of human history"

¹⁰ An in-depth study of the major criticisms of Rawls's work can be found in *Rawls "A Theory of Justice" and Its Critics* by Chandran Kukathas & Philip Pettit. 1990. Stanford: Stanford University Press.

¹¹ Despite his arguments against a religious justification for political life, Rawls's influence was initially religious. "Rawls's lifelong interest in justice developed out of his early concern with the basically religious question: Why is there evil in the world and is the human existence redeemable in spite of it? This question eventually led him to inquire whether a just society is realistically possible. His life's work is directed towards discovering what justice requires of us, and showing that it is within human capacities to realize a just society and a just international order" (Freeman 2007:5).

are a result of political injustice and that by establishing just institutions and just social policies, these injustices (or evils) will eventually disappear (Rawls 1999a:7). In short, he is concerned with principles, institutions and policies.

A Theory of Justice was certainly one of the most influential contributions to the justice debate in political philosophy during the twentieth century. This 600-page work sparked many debates and discussions, forcing people to move beyond the utilitarian view of justice.¹² Rawls rejects the utilitarian view of justice, which claims that an action or situation is just insofar as it maximises the happiness of the majority. He maintained that the well-being of even a few people cannot be sacrificed for the well-being of the majority, and so any theory of justice should ensure that the situation of the least well-off be improved.

Rawls based his argument for justice as fairness on the social contract theories of Kant¹³ and Rousseau¹⁴ (among others), where the moral sovereignty of each individual is realized. Even though the state, in a

¹² Naudé describes Rawls as using the contract tradition in an original way despite many problems surrounding his methodology. There are three main points to his argument; *firstly*, Rawls highlights the shortcoming of utilitarianism by contrasting them with his contract theory, however, he then makes use of utilitarian elements and proposes unfair conditions for equality; *secondly*, he develops a Kantian theory to confirm the autonomous rationality of his procedural decisions in his theory, but his radical reversal of Kant's understanding of rationality undermines his starting point; *lastly*, his starting point is the general original position where institutions bind justice and generally accepted conditions together, but the particular conditions of the contract situation are morally controversial and the methodological intension accommodates inherent contradictions which therefore cannot guarantee objectivity (Naudé 1982:221-222).

¹³ "Rawls's lengthy lectures on Kant (nearly 200 pages in *Lectures on the History of Moral Philosophy*) indicate that Kant is the philosopher who most profoundly influenced him. From the idea of 'the priority of right over the good' and the Kantian interpretation of justice as fairness in *A Theory of Justice*, to Kantian (and later Political) Constructivism and the Independence of Moral Theory, then the conception of moral personality and the distinction between the Reasonable and the Rational in *Political Liberalism*, and finally the rejection of a world state and the idea of a 'realistic utopia' in Rawls's *Law of People*, one can discern that many of Rawls's main ideas were deeply influenced by his understanding of Kant" (Freeman 2007:21).

¹⁴ Rawls's idea of people as free and equal developed from Rousseau. "Rousseau says that the common good is justice, and he specifies justice in terms of measures that promote the freedom and equality of citizens... Rawls's democratic conception of justice is built around an ideal of free and equal moral persons" (Freeman 2007:217).

modern, democratic, liberal society, must be granted a monopoly of force in order to serve the collective interests and preserve the peace among the citizens, the very idea of the autonomous individual implies limitations on the ways in which the state can legitimately restrict the liberty of individuals. Freedom of religion, speech, association, the conduct of private life and the use of private property form the core of the protected liberties. Modern forms of egalitarian liberalism, such as the liberalism which is promoted by Rawls, have developed from the realization that a society can impose inequalities on its members in many ways other than by legally enforcing them.¹⁵ The entire system of social and economic institutions offers very unequal life chances and opportunities to different persons, depending on where they are situated in it by fate (Nagel 2003:64). This polarization is becoming increasingly evident as society becomes more specialized technologically. A firm foundation is thus needed to defend the rights of all citizens to freedom and justice and to ensure that the citizens are not imposed upon by the state. Every person no matter race, class, gender or creed should have equal rights and liberties and should be allowed to participate in society without being marginalised or excluded. At the same time, the cohesiveness of society is dependent upon the respect for the other; thus an individual is an individual within a community of others. The rights of each person also come with responsibility to other people; it is necessary to respect the rights of others and not infringe upon their liberties. An egalitarian justice cannot be just without taking into account the right which other people have to their share of the benefits.

¹⁵ Rawls's theory can be described as a liberal, democratic and egalitarian concept. It gives priority to certain equal basic liberties while respecting individuals' choices with regards to religious, philosophical and moral doctrines. It also provides for equal political rights and prioritizes equal opportunities. It finally seeks to benefit the least disadvantaged (see the discussion in chapter 2 of Freeman 2007).

Levine, however, argues that Rawls's theory can never be fully egalitarian, despite having far-reaching egalitarian principles, because individuals are held accountable for the *distributional* consequences of their own free choices (2002:195).

Rawls begins from the supposition that reasonable people will be prepared to support a set of principles which assign basic rights and duties, and distribute the benefits and burdens of social cooperation (1971:5).¹⁶ Even though people may disagree about what is just and unjust, they can agree that institutions are just when they generally satisfy the accepted principles of justice. Thus, it is necessary to find certain principles which will be generally accepted by all people and will be applicable in all situations. These principles need to transcend moral, cultural and social preconceptions, thus making it easier for them to be accepted by all people.¹⁷ An important part of the principles of justice is equal opportunity just distribution, since this is an undeniable building block of a just society: “political and social justice for all citizens, securing basic freedoms, the fullness and expressiveness of the society’s civic culture, as well as the decent economic well-being of all its people” (Rawls 1999a:45) are necessities in a decent society. It is imperative that certain basic needs are met, since there are necessities which should not be denied to anyone including physical resources and access to opportunities.

The principles of justice are a part of a social ideal which in turn is connected with a certain conception of society, a vision of the way in which the aims and purposes of social cooperation are to be understood (Rawls 1971:9), although in his later works (cf. *Political Liberalism*) Rawls emphasises the need for cooperation and pluralism in a democratic society, rather than the principles.¹⁸ An understanding of justice and injustice, of a right and wrong way to behave towards others, is of the

¹⁶ The concept of reasonable people is crucial in Rawls’s work. Rawls says that “reasonable and rational agents are normally the units of responsibility in political and social life and may be charged with violations of reasonable principles and standard.” He goes on to say that “the reasonable and the rational are complementary ideas” and that they cannot stand without the other (2005:50-52).

¹⁷ Rawls points out that justice as fairness attempts to establish justice by taking what persons would view as their “reciprocal advantage” rather than God’s law, for example (2005:97).

¹⁸ Rawls consistently moved to a less restrictive view. Gregory notes that his mature statements become fairly acceptable to religious critics. “Rawls is clear that citizens are free to argue as they wish in what he calls the ‘background culture.’ He also is clear that he intends no favour for secular reasons over against religious reasons” (Gregory 2007:198).

utmost importance in society. Justice is inseparable from relationships with others, the boundaries of which are continually being extended as it moves from local to national to global level. Justice between individuals, justice within nations (including economic, class and race relations), as well as justice and cooperation between nations (protecting the poor from the political, military and economic might of the powerful) are important. Every person, group and nation has a duty to not infringe on the rights of other persons, groups and nations. There should be a certain correct and acceptable division of social advantages, rights and duties (Rawls 1971:10), a division which is not unjust and exploits neither people nor nations. People (in an ideal sense decent peoples (cf. Rawls 1999a)) have a definite moral nature, which includes a certain sense of pride and honour; and decent governments will treat citizens and other nations in the same just and respectful way in which they expect to be treated (Rawls 1999a:44-45).

Rawls always intended his theory as originally presented in *Theory* as an abstract one; a purely hypothetical situation which would lead to a certain conception of justice (1971:12): “Justice as fairness conveys the idea that the principles of justice are agreed to in an initial situation that is fair.” This does not mean that the concepts of justice and fairness are the same; justice must not be confused with fairness and what is just will not necessarily appear to be fair. This theory was later concretised in *Law of Peoples* where it became more of a basis for a liberal democratic society than an abstract philosophical theory.¹⁹

The feasibility of the principles of justice is determined by the initial situation in which they are chosen. “One conception of justice is more reasonable than another, or justifiable with respect to it, if rational persons in the initial situation would choose its principles over those of

¹⁹ Rawls explains this movement from a moral philosophical doctrine to a political concept in *Justice as Fairness*.

others for the role of justice” (Rawls 1971:17). The principles of justice chosen in a situation similar to the original position will be accepted because of the circumstances under which they were originally formulated. The aim here is to make different ideas of justice converge at a specific point despite various and often greatly diverse opinions with regards to ethics, religion, intuition and prudence.

Though the starting points for theories of justice may differ and even the broader concepts and end points may differ there needs to be some agreement between divergent viewpoints. There need to be courses of action which are accepted as just, and various other actions which are recognized as unjust. This highlights the necessity for certain unwavering principles of justice which are universal in their nature. Because of the necessity of the universality of the principles of justice acting on a local level (that is, between institutions and associations), we need to ask how it is possible for such principles to be formulated in a world with so much diversity, even on a national level, without compromising personal beliefs.²⁰ And specifically to this thesis, it is necessary to investigate how the voice of theology can enrich the debate in a way which makes it possible to enter into a dialogue with dissenting voices. Rawls speaks about the overlapping consensus, which will be found in the political realm, particularly although not exclusively on a national level. This then translates into the law of peoples, which is a broader view of justice which relates to all decent societies.

²⁰ Despite his appeal to universal rights, Rawls hardly even speaks about what inherent rights his principles are based on. He scarcely mentions natural rights in *Theory*, despite seeming to assume the right of all people to be treated equally. Nicholas Wolterstorff concludes that Rawls’s approach is based on “the right of rational moral agents to be treated with equal respect” rather than honouring all the inherent natural rights, although this argument is implicit (2008:17).

2.4 The Theory of Justice

2.4.1 The Principles of Justice

Rawls speaks of institutions, by which he means a public system of rules which specify “certain forms of action as permissible, others as forbidden” (1971:55). The rules should encourage behaviour which furthers socially desirable ends (cf. Adam Smith – the work of the invisible hand) (Rawls 1971:57). It is important, however, that both the institutions and the society are just, not merely one or the other. Rawls envisioned two roles for the principles of justice as fairness – namely to provide “the basis for social unity in a well-ordered society”²¹ and to “enable the assessment of the justice of policies and to give practical guidance in formulating laws” (Freeman 2007:199).²² The main subject of justice as fairness is the basic structure of a well-ordered society. This is because the basic structure affects “citizens’ aims, aspirations and character, as well as their opportunities and their ability to take advantage of them” (Rawls 2001:10). Justice moves from the inside out: first local justice, followed by domestic justice and finally global justice. Justice as fairness applies only to the institutions and associations which form the structure of society.

Of course, the people also have to act in a way which is just, and Rawls claims that by our very nature we are unjust because we are continually

²¹ The idea of the well-ordered society is an idealistic one: “it is a society in which everyone accepts and knows that everyone else accepts the very same political conception of justice; the basic structure of the society satisfies the principles of justice and citizens have a sense of justice which enables them to understand and apply the principles of justice. This idealization is necessary to determine how the principles of justice will fair in a system of free and equal cooperation between citizens” (Rawls 2001:8-9).

²² Rawls neatly summarises the aim of justice as fairness as being practical: “It presents itself as a conception of justice that may be shared by citizens as a basis of a reasoned, informed, and willing political agreement. It expresses their shared and public political reason. But to attain such a shared reason, the conception of justice should be, as far as possible, independent of the opposing and conflicting philosophical and religious doctrines that citizens affirm. ... The religious doctrines that in previous centuries were the professed basis of society have gradually given way to principles of constitutional government that all citizens, whatever their religious view, can endorse. Comprehensive philosophical and moral doctrines likewise cannot be endorsed by citizens generally, and they also no longer can, if they ever could, serve as the professed basis of society” (Rawls 2005:9-10).

influenced by “personal, monetary or other considerations” (1971:59), considerations which will cause us to act out of self-interest rather than with regard for the other. In *Theory* Rawls developed two principles of justice (which he reworked throughout his career) that encompassed what he expected a theory of justice to incorporate and that he believed would provide the guidelines for any institution and society to behave in a just way.²³

Rawls described the one practicable aim of justice as fairness to provide an “acceptable philosophical and moral basis for democratic institutions and thus to address the question of how the claims of liberty and equality are to be understood” (Rawls 2001:5). It is a “political conception of justice for basic structure of a modern democratic society” (Rawls 2001:14). The concept of justice as fairness is developed from the original position in which the principles of justice are selected behind the veil of ignorance. The two principles of justice on which Rawls’s theory is based are as follows:²⁴

1. Each person has the same inalienable claim to a fully adequate scheme of equal basic liberties, which scheme is compatible with the same scheme of liberties for all; and
2. Social and economic inequalities are to satisfy two conditions: first, they are to be attached to offices and positions open to all under conditions of fair equality of opportunity; and second, they are to be the greatest benefit to the least-advantaged members of society (the difference principle) (Rawls 2001:43)²⁵

²³ “Von den vorgeschlagenen Gerechtigkeitsgrundsätzen behauptet Rawls nicht, sie seien notwendige Wahrheiten oder aus solchen ableitbar. Vielmehr ergibt sich ihre Rechtfertigung aus der gegenseitigen Stützung vieler Erwägungen und intuitiver Prämissen, aus denen sich dann eine einheitliche Theorie zusammenfügt. Die Bedeutung dieser methodischen Grundentscheidung für das Fruchtbarmachen der Rawlsschen Gerechtigkeitstheorie für die theologische Ethik wird uns noch zu beschäftigen haben“ (Bedford-Strohm 1993:209). We will see how the idea of toleration and of acceptance plays an important part in Rawls’s later works, particularly in connection with his idea of an overlapping consensus. The principles of justice aim to provide a place where people of different religions and cultures can find common ground when talking about justice.

²⁴ This is the most recent formulation of the two principles of justice as rewritten by Rawls in *Justice as Fairness* (2001)

²⁵ The original wording of the principles in “A Theory of Justice” (1971) was as follows:
First Principle

The first principle is prior to the second; and in the second principle fair equality of opportunity is prior to the difference principle. In the basic liberties of citizens, Rawls includes “political liberty together with freedom of speech and assembly; liberty of conscience and freedom of thought; freedom of the person along with the right to hold (personal) property; and freedom from arbitrary arrest and seizure as defined by the concept of the rule of law” (1971:61). These are the liberties referred to in the first principle and which take absolute priority. The role of the principles of justice is to specify the fair terms of social cooperation (Rawls 2001:7). The first principle applies to the constitutional structures and guarantees of the political and legal systems, and the second applies to the operation of the social and economic systems, particularly insofar as they can be affected by tax policies and various approaches to social security, employment, disability compensation, child support, education and medical care (Nagel 2003:66).

While the first principle is a principle of strict equality, the second principle is one of permissible inequality. Therefore, some inequalities are permitted, but only those that protect or improve the position of the least advantaged²⁶ in society. The second principle applies to the distribution of

Each person is to have an equal right to the most extensive total system of equal basic liberties compatible with a similar system of liberty for all.

Second Principle

Social and economic inequalities are to be arranged so that they are both:

- a) to the greatest benefit of the least advantaged, consistent with the just savings principle, and
- b) attached to offices and positions open to all under conditions of fair equality of opportunity.

²⁶ It is important to note that by “least advantaged” Rawls is referring to those people who have the lowest income and who are “economically” least advantaged. “Who are the least advantaged members of society? Rawls means least advantaged in the sense of a group’s share of primary goods. He says that, *since one’s share of income and wealth generally corresponds also with one’s share of the primary goods of powers, positions of authority, and bases of self-respect, we can regard the least advantaged to be the economically least advantaged people in a society* – i.e., the poorest people (though they may not in fact be poor in an absolute sense). So the least advantaged are not the people who are the unhappiest or the unluckiest, nor are they the most handicapped. *Rawls deals with the problem of special needs, such as handicaps, separately from the difference principle.* Nor are the least advantaged even the poorest among people, those who are unemployed because they are unable or unwilling to work... Rawls deals with the homeless, beggars, and the unemployed under separate principles other than the difference principle. By ‘least advantaged,’ Rawls means *the least advantaged working person*, as measured by the income he/she obtains for gainful employment. So the least

income and wealth. While the distribution of wealth and income need not be equal it must be to everyone's advantage, and at the same time positions of authority and offices of command must be accessible to all (1971:61): "The distribution of wealth and income, and the hierarchies of authority, must be consistent with both the liberties of equal citizenship and equality of opportunity."²⁷ A less extensive liberty is acceptable only when it strengthens the total system of liberty shared by all, and an unequal liberty must be acceptable to those with less liberty, ensuring that all people are treated fairly at the outset and given equal opportunity to participate in society (Will 1994:107). Thus, equality remains subordinate to liberty, with liberty taking absolute priority in the principles of justice. For Rawls, liberalism "assigns precedence to maintaining the basic liberties over other social needs and aims, including the majority's will. A liberal constitution guarantees basic liberties first and above all else" (Freeman 2007:64).

The principles of justice are necessary in a just society because people are incapable of benevolence on such a large scale; the self will always look out for its own interests.²⁸ Rawls points out that while love would seek to advance the good of other people (or, at least, of another person), love of several people would lead to confusion, since it is impossible to determine whose good would then be prioritised: "Benevolence is at sea as long as its many loves are in opposition in the persons of its many objects"

advantaged are, in effect, people who earn the least and whose skills are least in demand – in effect, the class of minimum-wage workers" (Freeman 2007:106 *my italics*).

²⁷It is not only monetary wealth but also the investment of time, energy, capital and skills into the community such as social services and aid organizations that is important.

²⁸ Rawls is following Hume when he claims that humans are not benevolent, thus needing principles to govern justice. "Hume says that if humans were impartially benevolent, equally concerned with everyone's welfare, then justice would be 'superfluous.' People then would almost always willingly sacrifice their interests for the greater advantage of others and thus would rarely fight over whose interests should prevail. They would not be concerned about their personal rights or possessions. But we are naturally more concerned with our own aims and interests—which include our interests in the interests of those nearer and dearer to us—than we are with the interests of strangers with whom we have few if any interactions. This implies a potential conflict of human interests" (Freeman 2009).

(1971:190). Rawls places love secondary to the principles of justice because love is neither impartial nor fair. When interests clash, the decisions of love will be guided by “what individuals themselves would consent to in a fair initial situation which gives them equal representation as moral persons” (1971:191). Thus it is clear that there is no place for love in the initial position. While both love and a sense of justice include a desire to act justly, love goes beyond justice in an attempt to not only fulfil all the natural duties, but to go beyond their requirements. The principles of justice provide a way in which love can become justice in a situation of conflicting needs and desires. But ultimately, love will seek to move beyond justice, giving more than what is required.

The two principles of justice come into play at different levels. The first principle of equal liberty is included in the constitutional convention; the fundamental liberties of the person as well as liberty of conscience and freedom of thought are protected by the constitution and the political process which implements the constitution should be just. The second principle forms a part of the legislature where social and economic policies must be aimed at “maximizing the long-term expectation of the least advantaged under conditions of fair equality of opportunity” (Rawls 1971:199). The two principles are thus built into the very groundwork of the country, to ensure the protection of all the citizens. Equal liberty is the primary requirement (1971:207). Liberty cannot be sacrificed for greater economic and social benefits. Rawls views a common understanding of justice as fairness as making a constitutional democracy because “the basic liberties of a democratic regime are firmly secured by this conception of justice” (1971:243).²⁹

²⁹ It is important to note here that a democracy (a well-ordered, democratic society) is not a community. Rawls says that “to think of a democracy as a community overlooks the limited scope of its public reason founded on a political conception of justice. It mistakes the kind of unity a constitutional regime is capable of without violating the most basic democratic principles” (2005:42).

Rawls realises that there is no agreement on the way the basic institutions of a constitutional democracy should be arranged if they are to specify and secure the basic rights and liberties of citizens and answer to the claims of democratic equality when citizens are free and equal persons.³⁰ Justice as fairness tries to adjudicate between the contending traditions and find a solution which is acceptable to all, thus the exclusion of morally justifiable principles (Rawls 2003:190). The two principles are intended to create a space where different institutions and historical traditions can recognize common basic ideas and principles. Justice as fairness avoids the autocratic use of state power by creating a principle of toleration; the state cannot attain public agreement on basic philosophical questions without infringing on basic liberties (Rawls 2003:194). The over-arching fundamental idea is that of society as a fair system of co-operation between free and equal persons. In political thought, Rawls emphasizes that citizens view the social order neither as a fixed natural order nor as an institutional hierarchy justified by religious or aristocratic values. Aristotle (*Politics*, bk. 1, ch. II, 1253a15 cited in Rawls 1971:243) remarks that it is a peculiarity of people that they possess a sense of the just and the unjust and that their sharing a common understanding of justice makes a polis. Thus it is necessary, as Rawls contends, to find an idea of common justice which will be supported by the free, equal and rational citizens.³¹

³⁰ A person as “free and equal” is an essential concept in Rawls’s theory, since it gives a clue to what kind of people make up society. “What does Rawls mean when speaking of ‘free and equal’ persons? Moral persons are ‘equal in that they regard one another as having an equal right to determine the first principles of justice.’ They are free in three ways: firstly, they have the ability to have a conception of the good; secondly, they do not see their conception of the good as being imposed upon them by any authority; and thirdly, they assume responsibility for their ends – as their circumstances change, their ends can change” (Freeman 2007:294-295).

³¹ It is important to note that the emphasis which Rawls places on citizens as free, equal and rational is compatible, in certain ways, with the anthropological statement of Christian theology. In his study of Rawls’s theory of justice, Bedford-Strohm concludes that there are similarities between Rawls’s understanding of human nature and a Christian anthropology: “Die Grundannahmen der Rawlsschen Theorie weisen ein hohes Mass an Kompatibilität mit den anthropologischen Aussagen des christlichen Glaubens auf.” He discusses Rawls’s view of people as free, equal, rational people (1993:300-303).

What is central to the contract view and thus central to Rawls's thesis is that people are defined as ends, not merely as means. This implies that they must be treated in accordance with the principles to which they would consent in an original position of equality. "To regard persons as ends in themselves in the basic design of society is to agree to forgo those gains which do not contribute to their representative expectations. By contrast, to regard persons as means is to be prepared to impose upon them lower prospects of life for the sake of the higher expectation of others" (Rawls 1971:180). Thus, the value of the person lies in his or her humanity itself. The person, by the very nature of their humanness, deserves to be treated with dignity and respect within the other first principles of justice. No one may be used for the benefit of another; in Rawls's theory of justice people are not means to an end, but rather the end in itself, although this idea remains detached from religious or moral value.

2.4.2 The Original Position and the Veil of Ignorance

The idea of the original position is derived from Kant's conception of autonomy and the categorical imperative. Rawls describes the original position as a 'procedural interpretation', where the nature of persons as free, equal and rational is expressed (1971:256). He believes that justice cannot be based upon any general moral conception of justice (for example a religious grounding) (Rawls 2003:188). The growth of constitutional governments and the institutions of large industrial market economies provide alternatives in a democratic state which allow for a diversity of doctrines and a plurality of conflicting conceptions of the good. Thus fairness is dissociated from any moral formation and denies the participants connections within a specific community; Rawls speaks of the 'veil of ignorance' where none of the participants know their own status, skills, or individual ends and goals. Any decision made regarding justice

in such a setting will be completely rational, since no individual identity exists. Behind the veil, no knowledge of the good is permitted.

“We should not attempt to give form to our life by first looking to the good independently defined. It is not our aims that primarily reveal our nature, but rather the principles that we would acknowledge to govern the background conditions under which these aims are to be formed and the manner in which they are to be pursued. For the self is prior to the ends which are affirmed by it” (Rawls 1971:560).

A person’s intelligence and skills, their gender, religion, race, income, wealth and health are not good reasons to justify principles of justice, which is exactly what Rawls is attempting to do with his hypothetical situation. When the people are placed behind the veil of ignorance, no one knows any specific facts about themselves or anyone else, or about their historic and social situation. “The parties’ decision is to be based entirely on their knowledge of *general facts* that they share in common with each other, which include general knowledge of psychology, economics, and other relevant social, biological, and physical sciences” (Freeman 2007:155).

Rawls suggests that the original position is the point of view from which noumenal selves see the world (1971:255). The parties have complete freedom to choose whatever principles they wish, but they will still naturally attempt to express their rational natures and their equality. Thus, the principles they choose will be those which best manifest their freedom in their community in everyday life, and “fully reveal their independence from natural contingencies and social accident” (1971:255).

Rawls assumes that the people in the original position are rational.³² Because they are rational, they are presumed to be capable of a sense of justice (Rawls 1971:145). For Rawls, rationality implies an inherent

³² The fact that Rawls includes only rational people in the original position has led to much criticism about the exclusiveness of this theory. Amartya Sen defends Rawls saying that it seems to “focus more on the *characterization* of deliberating human beings rather than on the *categorization* of some ‘reasonable persons’ while excluding others. The role of unrestricted public reasoning is quite central to democratic politics in general and to the pursuit of social justice in particular” (2009:44).

knowledge of right and wrong – some things are just while others are clearly unjust. In choosing between various principles of justice each person would try to advance their own interests, an act which in turn would be beneficial to all the people involved (1971:142). This implies that they have no conception of a specific good as an end and they are not influenced by religious or other reasons. They would want to choose principles which would ensure them more primary social goods rather than less. Because they have no idea of their own social standing, they would accept those principles which would be most beneficial to *all* the members of society. Rawls assumes that in such a situation they will ‘try to protect their liberties, widen their opportunities, and enlarge their means for promoting their aims’ (1971:143).

Rawls assumes that the choices of the parties in the original position will be restricted by natural laws, and those deciding will have certain inclinations to choose among them (1971:159). However, these ‘assumptions’ must be true and suitably general. Thus, concludes Rawls, there may be good reasons for embedding convictions of justice more directly into first principles (1971:160-161). In this way, the convictions will become public knowledge. Society and institutions therefore become important in developing peoples’ ideas of justice. Rawls emphasises the role of the family in moral formation and promoting a sense of justice in people. The constitution and politics of a country which regulate the ‘well-ordered’ society, the institutions and associations which form the society as well as the family need to be just, equal and fair.

The idea of the original position, as Rawls emphasises in his later work, is idealistic and should be understood as such.³³ It is introduced because there is no better way to develop a political conception of justice for the

³³ Beckley understands the original position as a “fictive heuristic device which invites us to accept its restrictions in order to get beyond the subjective circumstances of justice which prevent agreement on the principles of justice. It is not a description of the true moral self nor is it imposed upon us without an appeal to the beliefs and values we actually hold and consider constitutive to ourselves” (1985:228).

basic political structure than from the fundamental idea of society as a fair system of co-operation between citizens as free and equal persons. The idea is somewhat abstract, but it must be seen only as a device of representation (Rawls 2003:203). People will never actually have to face a choice between cooperation and noncooperation but the original position does present the alternative of cooperation to domination (Nussbaum 2006:60).

Thus the emphasis falls on the idea of citizens as free and equal persons; no-one is forced into a certain way of thinking by association with a certain community. Thinking of society as a fair system of social co-operation needs to highlight the most appropriate principles for realizing liberty and equality in the society. The concept of people as free, equal and rational is not a “neutral concept” (Lebacqz 1986:41). People, and concomitantly their ideas, are not ahistorical but will, to a greater or lesser degree, be grounded in their ethnic, cultural, religious and educational background, to name just a few of the outside factors which influence people. It cannot be assumed that these influences will encourage a sense of justice, equality or freedom.

2.4.3 Priority of fair opportunity

Fair equality of opportunity requires that all people, whatever their starting place in life, have the same opportunity to develop their natural talents to the level of which they are capable so that they can compete for a position without handicaps resulting from a deprived and under-privileged background.³⁴ This demands a lot of state action and

³⁴ Neither social circumstances nor talent should play a part in the distribution of primary goods. Based on Rawls’s concept of the natural lottery, Barry speaks of “three lotteries” (1989:227): There is the natural lottery, which distributes genetic endowments; there is the social lottery, which distributes more or less favourable home and school environment; and then there is what Hobbes called “the secret working of God, which men call Good Luck” – the lottery that distributes illnesses, accidents, and the chance of being in the right place at the right time.

So equality does not mean making “the same proportionate contribution to each person’s realizing the best life of which he is capable” (Rawls 1971:510). The only contingency which forms the basis of

institutional involvement to ensure that the doors are open to anyone who qualifies (Nagel 2003:69).³⁵ If the broad structure of society satisfies the principles of justice in its large-scale effects on the life prospects of different groups then, according to Rawls, any individual inequalities that emerge will be just.

Injustice is comprised of inequalities that do not benefit everyone (Rawls 1971:62) and includes the various ways in which discrimination and an absence of equality of opportunity unfairly affect the distribution of “income and wealth, powers and positions of office, and the bases of self-respect are familiar: racial, ethnic, gender, religious, and other forms of discrimination have long prevented people from economic, education, and professional advancement” (Freeman 2007:129). Inequalities, insofar as they cannot be avoided, are permitted only as far as they ensure that all people have the best quality of life available to them (a group of people cannot have a lower quality of life so that another group of people can become wealthy). Inequalities should also not limit people in their opportunities. The institutions need to regulate any inequalities to ensure that they are just.

This regulation is an ongoing process. In a just society, the institutions and practices among people will continue to satisfy the relevant principles of right and justice, even though their relations and success are continually changing in view of political, economic, and social trends (Rawls 1999a:45). The quality of life for all should be continually

equality is the capacity for a sense of justice. Any distribution of talent will be unjust since people do not deserve the unequal shares of beauty (if you are born beautiful) or wealth (if you are born into a wealthy family), for example. This is a rather controversial point in Rawls’s theory. Maybe it does give us something to think about where beautiful people are idolized because they are beautiful, sports stars earn millions etc. What example are these people really setting?

³⁵ According to Freeman, the difference principle does not only hope to maximize the position of the worst-off. Rather, “it imposes a two-fold requirement (1) to institute that economy that consistently makes the poorest class better off than they would be in any other economy (compatible with basic liberties and fair equal opportunities), and then (2) to maximize the poor’s position within that “most effective” system” (Freeman 2007:121).

improved.³⁶ Both equal opportunity and the difference principle are superior alternatives to the trickle-down effect which is often advocated as being beneficial to the poor (Freeman 2007:188ff). For the trickle-down effect to improve the quality of life of the poorest members of society, the wealthy need to benefit greatly before the wealth trickles down. With the difference principle, the wealthy cannot benefit unless the poor are benefitting; the poor need to benefit the most from any unequal distribution.³⁷ Rawls admits that life might always be unfair due to certain natural facts, but what is just and unjust is the way in which institutions deal with these inequalities. He proposes that we have to agree to share one another's fate, thus taking seriously the opportunities, income and wealth of everyone.

As with the least disadvantaged, fair opportunity is open only to those who are able to and motivated to participate. "The second principle only requires equal life prospects in all sectors of society for those similarly endowed and motivated" (Rawls 1971:301). It is now necessary to question just how far equality of opportunity can be carried out. While the government may provide equality on a certain level (equal access to education, for example) family circumstances may prevent individuals from being able to make adequate use of the opportunities presented to them. A poorer family may not have transport, so the children are limited

³⁶ Rawls has often been criticized for not taking into account the needs of the mentally and physically disabled in his theory. However, Freeman argues that Rawls does not sideline the handicapped. They "should be addressed by principles and duties of *remedial justice*, such as the duty of mutual aid, duties of assistance and rescue, and the duty of mutual respect for persons" (Freeman 2007:107).

Rawls argues, in response to Sen's objection that people have different capabilities and so might not be able to use their opportunities unless they have more assistance, that primary goods do actually take into account the basic "capabilities of citizens as free and equal persons in virtue of their two moral powers ... that enable them to be normal and fully cooperating members of society." (Rawls 2001:169). With regard to illness and disability, it is not the task of the original position and therefore the principles of justice to deal with this, but it must be dealt with at the legislative stage (Rawls 2001:173).

³⁷ Naudé speaks of the "sensitivity" which Rawls shows to the least advantaged and the convincing way in which he shows that the debates about social justice cannot ignore the idea of fairness towards everyone (1982:7).

to schools and sports clubs within walking distance. Older siblings may be required to care for younger ones while the parents are at work, which will impact negatively on their involvement in after-school activities as well as limiting time to do homework and study. Poor schooling means that adults do not have equal chances of competing for jobs and participating in society. Lack of transport means that the job market may be very limited, or parents may have to leave their children in the care of other relatives while they live elsewhere. This leaves us with the question of whether fair opportunity begins before or after class segregation.

With reference to liberty, Rawls says that “liberty can be restricted only for the sake of liberty” (1971:302). A less extensive liberty must strengthen the total system of liberty shared by all and a less than equal liberty must be acceptable to those with the lesser liberty. In the same way, an inequality of opportunity must enhance the opportunities of those with the lesser opportunity and an excessive rate of saving must alleviate the burden of those bearing this hardship (1971:302 -303). Maybe this view is a less utopian way of attempting to attain equality.

The general conception which Rawls emphasises is that “all social primary goods – liberty and opportunity, income and wealth, and the bases of self-respect – are to be distributed equally unless an unequal distribution of any or all of these goods is to the advantage of the least favored” (1971:303). Primary goods are “things citizens need as free and equal persons living a complete life; they are not things it is simply rational to want or desire, or to prefer or even to crave.” Rawls distinguishes five such goods: the basic rights and liberties, freedom of movements and free choice of occupation, powers and prerogatives of offices and positions of authority and responsibility, income and wealth and the social bases of self-respect. These are needed by citizens to fulfil their idea of the good life (Rawls 2001:58-61). These primary goods are resources and they are means rather than ends (Levine 2002:187). This is also in keeping with

Rawls's idea of people as ends in themselves rather than as means to an end. Rawls emphasises self-respect over income and wealth.³⁸ This is giving to each person the inherent respect due simply because they are human. Regardless of the inequalities, no person may be treated as less of a person simply because they are different, be it with regards to race, education, income or any other reason. Giving someone the respect they deserve not because of what they have achieved or the position they occupy in society but because they are fellow human beings gives them the opportunity to live in such a way that given the right concrete opportunities they will not be afraid to take them.

What is not specifically mentioned are the primary *needs* of people, but this is perhaps lost in the idea of achieving equal basic liberties of each citizen, with the result of compensation for a lesser liberty becoming unimportant (see the discussion in Rawls 1993:324ff for his argument for this). He possibly also expects it to be covered by the primary goods of income and wealth. But surely shelter, food and security need to be provided before equality of income and wealth can be guaranteed. Although conversely, income and wealth will actually provide these basic necessities, so we need to ask if it is necessary to then specify basic necessities if all people have a suitable income. The basic needs are not adequate measures of equality even if they are the first measures. There can never be enough equality while some people are profiting at the expense of others.³⁹

Rawls does, however, make the point in *Political Liberalism* that basic liberties are “a framework of legally protected paths and opportunities”

³⁸ Rawls spends an entire section (§67) discussing self-respect, excellences, and shame. Here he talks about having a rational plan of life and also being appreciated and confirmed by others. This is an essential part of human dignity and thus of particular relevance for our later argument.

³⁹ The issue of hunger, starvation and medical neglect is raised by Sen in his discussion of the absolute priority which Rawls accords to liberty. He suggests a “weighting scheme” in which priority can be attached to “one concern over another, without making that priority totally unbeatable under any circumstances” (Sen 2009:65).

(2005:325). While poverty and ignorance may prevent people from using the opportunities offered to them, this affects the “worth” of the liberty (that is, the usefulness of the liberty) rather than the liberty itself. So in justice as fairness, while the basic liberty may remain the same for all people, the worth of the liberty is not the same. Capability is also an issue here. If people are not capable of using the resources given to them, due to disability for example, it is unfair.⁴⁰ Capability, and worth of liberty (in Rawlsian terms), is closely linked to the idea of dignity; giving each person enough to live in a dignified and decent way despite their limitations.

2.4.4 Distributive Justice

The difference principle is closely connected to fraternity and seems to be employed by Rawls to develop certain attitudes, possibly compassion and even benevolence. “A further merit of the difference principle is that it provides an interpretation of the principle of fraternity. ...(I)t is thought to convey certain attitudes of mind and forms of conduct without which we would lose sight of the values expressed by these rights. ...(T)he difference principle seems to correspond to a natural meaning of fraternity” (Rawls 1971:105-107). Fraternity, then, is a value which is instilled in society by certain rules and regulations which are put into place by the institutions around which society is structured. The social responsibility of individuals is cultivated by a society which is just, and in turn the just actions of the individuals create a just society.⁴¹

⁴⁰ Both Sen (2009) and Nussbaum (2006) argue for the inclusion of capability in determining who gets what in society. A capabilities approach “envisages human beings as cooperating out of a wide range of motives, including the love of justice itself, and prominently including a moralized compassion for those who have less than they need to lead decent and dignified lives” (Nussbaum 2006:156).

⁴¹ Freeman makes the important observation that for Rawls, the difference principle would seem to rely on “the conception of free and equal moral persons and on the idea of a well-ordered society.” Hence the idea of a well-ordered society plays a crucial role in Rawls’s argument for justice as fairness (Freeman 2007:196). Well-ordered societies, or decent societies, are also important in Rawls’s later works where he discusses justice on an international level.

The difference principle assumes that in a competitive economy with an open class system excessive inequalities will not be the rule (Rawls 1971:158). With the distribution of raw materials in the world and the availability of other natural assets, as well as the laws of motivation, great discrepancies in wealth should not exist. There is enough for everybody to ensure their survival and comfort.⁴² But the way things should be is not the way things are. Primary social goods are *not* shared fairly.

The primary social goods are rights and liberties, opportunities and powers, and income and wealth (Rawls 1971:92).⁴³ Justice as fairness seeks to ensure that every person has the equal liberty to pursue whatever plan of life they choose, as long as it does not violate what justice demands. People share primary goods on the principle that some can have more if they are acquired in ways which improve the situation of those who have less (Rawls 1971:94). Further,

the difference principle gives some weight to the considerations singled out by the principle of redress. This is the principle that *undeserved inequalities call for redress*; and since inequalities of birth and natural endowment are undeserved, these inequalities are to be somehow compensated for. Thus the principle holds that in order to treat all persons equally, to provide genuine equality of opportunity, *society must give more attention to those with fewer native assets and to those born into the less favourable social positions* (Rawls 1971:100 my italics).

Rawls holds that a meritocratic society can have a place in a democratic conception of justice because the difference principle “transforms the aims of society in fundamental respects” which ultimately gives everyone an “equal chance to leave the less fortunate behind in the quest for influence

⁴² However, the reality of the economic and social world has ensured that some are benefiting at the expense of other. The powerful, wealthy nations are profiting at the cost of the poorer, less-developed countries.

⁴³ The primary social goods seem to imply the fulfilment of basic needs (food, shelter and clothing) and even security. Or is it rather asking for more than just the basic needs to be met – not only basic food, shelter etc, but opportunity to improve the situation and acquire more (i.e. a better lifestyle). Surely, justice cannot assume this. Before people can be given a chance to live better, they need to live.

and social position” (1971:106-107). The difference principle is thus the key to ensuring a more just and equal society.

Primary goods are those basic goods that must be available to all people in society and help them to pursue their idea of what is good (that is their own specific goals and dreams for their life).⁴⁴ These primary goods assist in providing a moral standard which is acceptable to all people. They must be distributed in such a way as determined by the institutions when applying the principles of justice to society. Society (be it the government or some other institution) offers all citizens equal basic liberties and fair equality of opportunity and must also ensure a fair share of other primary goods, but each individual is then responsible for their ‘application’ or ‘use’ in their life (Rawls 1999b:369-371). These primary goods (along with opportunity and justice) are *needs*, they are required by people in order to live (this can be compared to, for example, the need of a sick person and the health care which is then received).⁴⁵ That which is desired, or that which is considered an entitlement (or moral desert), is rejected and has no place in the discussion of justice.

In a well-ordered society where equal basic liberties and fair equality of opportunity are secured, the distribution of income and wealth illustrates what Rawls calls “pure background procedural justice” (Rawls 2001:50).⁴⁶

⁴⁴ See Rawls’s chapter on “Social Unity and Primary Goods” in *Collected Papers*. Ed. Samuel Freeman. Harvard University Press: Cambridge, Massachusetts. Pp. 359-387. Distributive justice also forms an important part of his argument in *The Law of Peoples*.

⁴⁵ Rawls describes the difference between needs, desires and deserts as follows: “[There are three kinds of considerations (needs (medical), desires (birthday present), deserts (teacher offering reward))] – certain needs alone are relevant in questions of justice. Primary goods are things generally required or needed by citizens as free and equal moral persons who seek to advance conceptions of the good. It is the conception of citizens as such persons, and as normal cooperating members of society over a complete life, which determines what they require. Since the notion of need is always relative to some conception of persons, and of their role and status, the requirements, or needs, of citizens as free and equal moral persons are different from the needs of patients and students. And needs are different from desires, wishes and liking” (1999b:373).

⁴⁶ By this Rawls means that there should be certain rules in place to ensure a system of social cooperation which will remain fair over time, from one generation to the next (2001:51).

The basic structure of society is arranged in such a way that when people follow the rules or principles of justice the distribution of goods will be acceptable. Property and wealth should be evenly distributed in society and where economic and social inequalities do exist, they need to contribute in an effective way to the general good and be the advantage of the least-advantaged members of society.⁴⁷

Thus Rawls understands distributive justice as pure procedural justice (2001:52). No distribution should take place based on merit, social class, or even talent. This distribution perhaps echoes the idea of the veil of ignorance. Just distribution, and fair opportunity means that all people get the choice to decide what to do with their opportunities. Although Rawls does not explicitly refer to basic needs, and at times seems to ignore these completely in *A Theory of Justice* (which has resulted in much criticism), it is implied that they will definitely form the basic building blocks of any fair society since they are needed for equal participation.⁴⁸ We cannot speak of equality of opportunity if the basic needs of the people are not being met. Rawls later says, in *Political Liberalism*, that “the basic liberties are a framework of legally protected paths and opportunities. Of course, ignorance and poverty, and the lack of material means generally, prevent people from exercising their rights and from taking advantage of these openings” (2005:325-326).⁴⁹

⁴⁷ Rawls argues for a property-owning democracy rather than a capitalist welfare society because the wealth is more evenly distributed rather than a minority having ownership and control. What Rawls understands by a property-owning democracy is widespread ownerships of both capital and other means of production, with varying degrees of worker participation and democratization of management (Freeman 2007:220). Rawls seems to assume that alleviating poverty will not be a concern in a property-owning democracy – “assuming full employment and widespread availability of education, training, skills, and access to real capital, even the least advantaged should be fairly well off” (Freeman 2007:234). This perhaps explains the lack of basic needs in Rawls’s work.

⁴⁸ He does not directly address this problem in his later works, either.

⁴⁹ This refers to what Rawls calls “equal worth of liberties.” While the liberties may be the same for everyone in justice as fairness, the liberties are not as useful to everyone (that is, the worth of the liberties may be less for some people than for others). The basic structure of society should be arranged so that “it maximizes the primary good available to the least advantaged to *make use of the equal basic liberties enjoyed by everyone*” (2005:326 my italics). For Rawls, this is one of the central aims of political and social justice.

Justice as fairness rejects the conception that distributive justice should be realized by society as circumstances permit. Justice is *not* happiness according to virtue (Rawls 1971:310). Because distribution occurs along the lines set out in the principles and rules of society, the idea of just desert is therefore unfounded. Rawls claims that a just scheme satisfies the legitimate expectations of people as founded upon social institutions. A just society will ensure that the distribution in society is just and this will meet the expectations of the people as they are formed by society. “[What the people] are entitled to is not proportional to nor dependent upon their intrinsic worth. The principles of justice that regulate the basic structure and specify the duties and obligations of individuals do not mention moral desert, and there is no tendency for distributive shares to correspond to it” (1971:311). The actual distribution does not conform to any “observable pattern” or any specific degree of inequality. Rather, the idea of the two principles is that permissible inequalities contribute to the expectation of the least favoured, where “this functional contribution results from the working of the system of entitlements set up in public institutions” (Rawls 1993:283). Rawls sees the main problem of distributive justice as “fairly designing the system of basic legal institutions and social norms that make production, exchange, distribution, and consumption possible among free and equal persons” (Freeman 2006:245).

Thus we can conclude that Rawls regards just distribution as an ongoing duty of society.⁵⁰ Although Rawls does not go so far as to say it, just distribution is to a large extent dependent upon our humaneness. The very fact that a person is a human being entitles him or her to a certain standard of living; the same standard of living applies to everyone

Sen argues that Rawls does not take seriously enough the “importance of human freedom in giving people real ... opportunity to do what they would like with their own lives” (2009:64).

⁵⁰ See Rawls’s discussion of distributive justice in *The Law of Peoples* page 113ff. Here Rawls claims that a society has an ongoing duty to redistribute wealth and resources in society to ensure that the predicament of the worst-off people is continually improved.

regardless of where they live, how they choose to live, or what they choose to do with what is given to them. Society has a duty of assistance, but this has a target or cut-off point which is not found in distributive justice.

Though the ends may be unequal where not everyone will be earning the same amount of money or have access to the same resources, the least advantaged will be benefiting from their wealthier counterparts and from the very fact that some members of the society are wealthier. "...the basic structure is just throughout when the advantages of the more fortunate promote the well-being of the least fortunate, that is, when a decrease in their advantages would make the least fortunate even worse off than they are. The basic structure is perfectly just when the prospects of the least fortunate are as great as they can be" (1999b:138). All citizens are required to have access to the same basic liberties and enjoy equality of opportunity.⁵¹ Those who have more than others are entitled to this only if the way in which it has been acquired benefits those who have less and if by having more, they continue to help those who do not have as much.⁵² Rawls has been criticised on this point for only taking into account income and wealth. How position and power are influenced by wealth appears to be ignored (Lebacqz 1986:44). Discrimination of any type (including racial, gender, sexual orientation and disability) does not appear to be accounted for. Failure to address these problems possibly highlights serious shortcomings in Rawls's *Theory* as he fails to take seriously the root causes of injustice. Lebacqz later suggests that while Rawls approach

⁵¹ Political justice concerns itself with the basic structure of society as "the encompassing institutional framework within which the natural gifts and abilities of individuals are developed and exercised" (Rawls 2003:302). By having equal access to various opportunities, people are offered the opportunity to perform to the best of their ability.

⁵² Rawls believes that fair equality of opportunity will correct social class differences (e.g. educational and job privileges are more accessible to the middle- and upper-classes. Freeman offers an interesting discussion on fair equality of opportunity and affirmative action, which Rawls regarded as incompatible (Freeman 2007:90-91). Fair equality of opportunity is necessary in a society to complement the difference principle, although preferential treatment of certain "disadvantaged minorities" is a temporary remedy for the "present effects of past discrimination." See Sandel's discussion of affirmative action for where he discusses the feasibility of compensating for past wrongs, rights and racial preferences and justice without moral desert (Sandel 2009:167-183).

protects the least advantaged it does not appear to “require any new beginnings,” an approach which is “inadequate to a world in which injustice is already rampant” (1987:156-7). It is necessary to recognise how sin distorts rationality in the world.

Rawls rejects the idea of moral desert outside of the rules of justice, which he refers to as entitlement of just expectations.⁵³ If the rules of the basic structure of society are met, the resulting distribution will be just and there is therefore “no prior or independent idea” of what may be expected. This presents a very different way of regarding reward and entitlement.

Rawls has often been criticised for not applying the difference principle on an international level. However, because distributive justice is primarily social and political, it becomes very difficult to implement the distribution on a global level in the absence of a global social or political structure.⁵⁴ Hence, agreement between various nations becomes important when talking about distributive justice on an international level, because what is nationally acceptable needs to be accepted internationally (Freeman 2006:245-247). While it is possible that Rawls’s principles of international morality do not go far enough in demanding justice between nations, Barry emphasises that from the point of view of mutual advantage Rawls demands too much of rich and powerful states (1989:187).⁵⁵ However, the circumstances of justice particularly take into account a world of relative

⁵³ Sandel explores the concept of detaching moral desert and distributive justice further (2009:164ff).

⁵⁴ See the discussion in Miller (2006). He says that the “famous Rawlsian principles of basic justice – equal liberty, equality of opportunity and the difference principle – do not apply at global level” (Miller 2006:191).

⁵⁵ Barry interprets Rawls’s principles of international justice as “an uneasy compromise between justice as mutual advantage, which requires the principles to be equally to the advantage of all parties under actual conditions of international relations, and justice as impartial agreement, which looks only to the advantage of parties in an original position constructed so as to deny them knowledge of their actual prospective advantages and disadvantages under alternative principles” (1989:189). It is necessary to note here that Barry is referring to Rawls’s discussion in *A Theory of Justice*. This problem is partly addressed by Rawls in *The Law of Peoples*, where conditions are established under which all decent peoples will agree to certain principles of justice.

scarcity (Levine 2002:180). In such a situation, questions of justice become increasingly urgent. Because of this scarcity and because we are not impartially benevolent, it is necessary to formulate principles of justice.

2.4.5 Justice as Fairness and the Good

2.4.5.1 Duty and Obligation

While many people use the terms ‘duty’ and ‘obligation’ interchangeably, Rawls does not. Duties are those required politically while obligations arise in a more personal setting. With regard to duties, Rawls says that

(f)rom the standpoint of the theory of justice, the most important natural duty is that to support and to further just institutions. ... (F)irst, we are to comply with and to do our share in just institutions when they exist and apply to us; and second, we are to assist in the establishment of just arrangements when they do not exist, at least when this can be done with little cost to ourselves (Rawls 1971:334).

Thus, in a just society, every person is bound by certain duties. They are required to act towards society and the community in a way which is just and fair. Natural duties are universal, those duties we have towards others persons as persons. Included here is the duty to show respect, which can be done in several ways, such as our willingness to see the situation of others from their point of view, from the perspective of their conception of their good; and in our being prepared to give reasons for our actions whenever the interests of others are materially affected (Rawls 1971:337).

Voluntary obligations, on the other hand, are obligations which are not universal and arise from consent; that is, they are a result of our voluntary acts. Thus they are very specific obligations, situated in a specific time and space. Rawls links obligations to the principle of fairness, which applies to individuals rather than institutions. Justice as fairness and rightness is where fairness provides a “definition of the

concepts of justice and right.” This principle requires that a person do their part as defined by the rules of an institution that accepts the principles of justice and when the person voluntarily accepts the benefits of the arrangement (1971:112). There will be rules which specify what it is that is required in a certain situation and obligations are normally owed to specific individuals so that everyone will benefit fairly.

Sandel points out that there is a large gap between natural duties and voluntary obligations. What about the specific responsibilities we have to one another as fellow citizens, people with whom we have not necessarily entered into a specific agreement? Because we are members of a family or nation or people, our identities are a part of who we are and should therefore influence our moral responsibilities (Sandel 2009:223-225). Sandel links this to MacIntyre’s narrative conception of a person and the realization that our life stories are intertwined with the life stories of others.

2.4.5.2 The Theory of the Good

For Rawls, the good is closely linked to rationality; in fact, the two cannot be separated. It is necessary that citizens understand themselves as having the capacity for a sense of justice as well as a capacity for a conception of the good.⁵⁶ For Rawls, these two capacities form the basis of democracy, in that we recognise in each other the ability to reason rather than recognising each other as having equal rights (Cohen 2003:107).⁵⁷

⁵⁶ Having a capacity for the conception of the good means that individuals have the capacity “to form, to revise, and rationally to pursue such a conception... of what we regard as a worthwhile human life. A conception of the good normally consists of a determinate scheme of final ends and aims, and of desires that certain persons and associations, as objects of attachments and loyalties, should flourish. Also included in such a conception is a view of our relation to the world – religious, philosophical, or moral – by reference to which these ends and attachments are understood” (Rawls 1993:302).

⁵⁷ Rawls explains this reasoning as follows: “Since we start within the tradition of democratic thought, we also think of citizens as free and equal persons. The basic intuitive idea is that, *in virtue of what we call their moral powers, and the powers of reason, thought, and judgement connected with those powers, we say that persons are free*. And in virtue of their having these powers to the requisite degree to be fully co-operating members of society, *we say that persons are equal*. Since persons can

These two capacities are thus essential to understanding citizens as free and equal persons. To achieve a certain level of good in society, people need to be able to rationally participate in society.⁵⁸ Here Rawls moves from the first context in which justice takes place in society, namely the institutions needed for justice which form the basic structure of society, to the legislation and implementation of justice as fairness in the development of his ‘reflective equilibrium’ where the focus is on “personal assessments of goodness and rightness” (Sen 2009:53-54).

Although there are certain primary goods, which are “what persons need in their status as free and equal citizens, and as normal and fully cooperating members of society over a complete life” (Rawls 2001:xiii), Rawls’s theory of the good mainly allows for the rational way in which a person would make choices for their life. “A person’s good is determined by what is for him the most rational plan of life given reasonably favourable circumstances” (Rawls 1971:395). In Rawls’s theory, the concept of right remains prior to the concept of the good. He assumes that people will automatically select a good which is consistent with the principles of the right for the given society and that they therefore will not conflict. Some of the rights may even be developed from an idea of what is good.⁵⁹ The

be full participants in a fair system of social co-operation, we ascribe to them the two moral powers connected with the elements in the idea of social co-operation noted above: namely, a capacity for *a sense of justice* and a capacity for *a conception of the good*. The sense of justice is the capability to understand, to apply and to act from the public conception of justice which characterizes the fair terms of social co-operation. The capacity for a conception of the good is the capacity to form, to revise, and rationally to pursue a conception of one’s rational advantage, or good. In the case of social co-operation, this good must not be understood narrowly but rather as a conception of what is valuable in human life. Thus, a conception of the good normally consists of a more or less determinate scheme of final ends, that is, ends we want to realize for their own sake, as well as of attachments to other persons and loyalties to various groups and associations. In addition to having the two moral powers, the capacities for a sense of justice and a conception of the good, persons have at any given time a particular conception of the good that they try to achieve. Since we wish to start from the idea of society as a fair system of co-operation, *we assume that persons as citizens have all the capacities that enable them to be normal and fully co-operating members of society*” (Rawls 2003:198 my italics).

⁵⁸ Rawls regards as “full and equal members of society” those who can “take part in social cooperation over a complete life, and who are willing to honor the appropriate fair terms of cooperation” (2005:302).

⁵⁹ Certain restrictions need to be placed on the good in political liberalism. Rawls specifies that the “ideas of the good included must be political ideas” which means that “they are, or can be shared by

parties' motives in the original position will be influenced by some notion of the good, so it is necessary to have some idea of what is meant by goodness. But this idea of good is restricted to the mere basics, what Rawls calls the "thin theory of the good" and includes liberty and opportunity, income and wealth, and self-respect.

For goodness to determine moral worth, "the virtues are properties that it is rational for persons to want in one another when they adopt the requisite point of view" (Rawls 1971:404). Thus, what is good is that which will neither conflict with nor impinge on someone else's rights, or even on the rights of the persons involved. Goodness is thus a rational reasoning; something's being good is its having the properties that it is rational to want (Rawls 1971:405).

In *Political Liberalism*, Rawls discusses how a political conception limits its scope when talking about the good. The political conception of justice is applicable to the basic structure of society (that is, the main institutions of political and social life) and does not "presuppose accepting any particular comprehensive religious, philosophical, or moral doctrine." It is thus a doctrine which can appeal to diverse people in a democratic society. Additionally, a conception is comprehensive when it includes "conceptions of what is of value in human life, as well as ideals of personal virtue and character, that are to inform much of our non-political conduct (see the discussion in Rawls 1993:174-76).⁶⁰

citizens regarded as free and equal and they do not presuppose any particular fully (or partially) comprehensive doctrine" (2005:176).

⁶⁰ Buchanan argues that Rawls shortens his list of human rights by arguing for "non-parochialism." Because Rawls does not include a right to freedom from discrimination (including religious, racial, gender or ethnic discrimination) he sees Rawls as accepting a society in which there is a "permanent racial, ethnic, religious, or gender underclass" (Buchanan 2006:152) This, surely, is not what Rawls has in mind. Rawls is attempting to develop a set of principles for justice which will be acceptable to liberal societies as well as decent hierarchical societies. Rawls says that "what have come to be called human rights are recognized as necessary conditions of any system of social cooperation. When they are regularly violated, we have command by force, a slave system, and no cooperation of any kind. These rights do not depend on any particular comprehensive religious doctrine or philosophical doctrine of human nature. The Law of Peoples does not say, for example, that human beings are moral persons and have equal worth in the eyes of God; or that they have certain moral and intellectual

Rawls does not intend the conception of the good to refer only to an instrumental or economic theory of value. The good is extended to also include moral worth, so that a person who is just or benevolent is described as morally good. The thin theory of the good needs to change into a full theory (Rawls 1971:434-435). Rawls defines a good person or a person of moral worth as “someone who has to a higher degree than the average the broadly based features of moral character that it is rational for the persons in the original position to want in one another” (Rawls 1971:437). So the definition of goodness as rationality is extended to persons. The thin theory of the good must explain and include the primary goods (liberty and opportunity, income and wealth, and self-respect). These are the goods which all people will want regardless of what their life-plans are.

Rawls goes on to discuss the good as a plan for life: “A person’s plan of life is rational if, and only if it is ... consistent with the principles of rational choice... and would be chosen by him with full deliberative rationality... Secondly, a person’s interests and aims are rational if they are to be encouraged and provided for by the plan that is rational for him” (1971:408-409). A person will be (or at least should be) happy when his life is going according to his plans for them. It is assumed that these plans will not infringe on the rights of others.⁶¹

Rawls describes a person’s future as being good if they can make a rational selection for planning their life. Rawls assumes that the person, being rational, will know exactly what they want in life, and will be satisfied and happy when they achieve it (Rawls 1971:416-417). This

powers that entitle them to these rights. To argue in these ways would involve religious or philosophical doctrines that many decent hierarchical peoples might reject as liberal or democratic, or as in some way distinctive of Western political tradition and prejudicial to other cultures. Still, the Law of Peoples does not deny these doctrines” (2005a:68).

⁶¹ Deliberative rationality is an individual perspective which is based on our individual goods. For Rawls, pluralism of values is a fundamental feature. In an ideal society, the decisions made by an individual would be congruent with those made in the original position (Freeman 2003:284-285).

assumes that the person is not limited by circumstances and all the various courses of action are open to them. Once again, a certain level of rationality is expected, and the person needs to consider all the options open to them; they need to decide what it is they want and what the most rational and satisfying way of fulfilling the desires are.

Rawls bases part of his argument of the right and the good on the Aristotelian Principle. According to this principle, other things equal, human beings enjoy the exercise of their realized capacities (their innate or trained abilities), and this enjoyment increases the more the capacity is realized, or the greater its complexity (Rawls 1971:426). So inequality is then not only about material goods, but about the opportunity to live a good life, in which rational decisions regarding the future can be made. People who are limited to certain (mostly menial) activities will not be able to enjoy their life since they are not realizing their full capacity, nor do they have the opportunity to participate in activities of greater complexity. The Aristotelian Principle says that “whenever a person engages in an activity belonging to some chain he tends to move up the chain” (Rawls 1971:430). This principle does not seem to take into consideration those people who cannot move up the chain and who are caught up in the lowest level because of race, poor education, social background. The principle goes on to characterize human beings as “importantly moved not only by the pressure of bodily needs, but also by the desire to do things enjoyed simply for their own sakes, at when the urgent and pressing wants are satisfied” (Rawls 1971:431). Once again, there are many people for whom the pressing wants and needs are *never* satisfied. Each day is a struggle to put a sufficient amount of food on the table, to find fuel for fire, water for cooking, shelter, clothes and security. For these people, it is perhaps inconceivable to do things simply for their own pleasure.

This principle is closely linked to self-respect, which Rawls has characterized as a primary good. The more a person achieves and the higher up the chain they move, the better they fulfil their plans for their life and the more self-respect they will attain. So those people who do not have the necessary opportunities in life do not only suffer the disrespect of poverty and injustice, but lack the means to improve their self-respect and their standing in society. Self-esteem is, according to Rawls, the most important primary good. Goodness as rationality associates self-esteem, the sense of our own worth, as being dependent upon a rational life plan and having both our self and our actions affirmed by others (Rawls 1971:440). In his later book, *Political Liberalism*, Rawls determines that self-confidence is developed firstly by being a fully cooperating member of society and secondly by the conviction that we can “carry out a worthwhile plan of life” (2005:319). Thus both the integration and affirmation of all individuals in society is of the utmost importance when talking about justice.

2.4.6 Contrasts between the Right and the Good

For the theory of the good, there are no pre-chosen principles. The good develops along with the life of an individual and so can change over time. There will need to be sufficient rational evidence to support the goods chosen (for example primary goods can be rationally explained) and none of the decisions are allowed to affect the principles of justice as chosen in the original positions. Wyatt points out that this “self-determination” leads to an avocation of a “neutral state” (2008:124).⁶² In such a state, the value of a particular conception will not be judged.

Because of this freedom, individuals will have varying conceptions of the good; what is good for one person will not necessarily be considered good

⁶² A neutral state allows citizens to seek their own conceptions of the good.

for another person. In contrast, with regard to the right, the principles will be universal in a well-ordered society.

In a well-ordered society, the plans of life of individuals are different in the sense that these plans give prominence to different aims, and persons are left free to determine their good... (N)ow this variety in conceptions of the good is itself a good thing, that is, it is rational for members of a well-ordered society to want their plans to be different (Rawls 1971:227-228).

This lack of involvement of the state has received much criticism from those who feel that there should be some idea of a common good in society.⁶³

The veil of ignorance restricts many of the applications of the principles of justice. However, when making a decision of the good, the particular situation and circumstances of the individual will influence the decision. “A rational plan of life takes into account our special abilities, interests, and circumstances, and therefore it quite properly depends upon our social position and natural assets” (Rawls 1971:448-449). There as many ideas of the good as there are people, and each individual’s idea of what is good will change over time.

“...(I)n justice as fairness the concepts of the right and the good have markedly distinct features. These differences arise from the structure of the contract theory and the priority of right and justice that results” (Rawls 1971:451). How an individual chooses to live his life and whatever the particular circumstances, in the contract theory (i.e. justice as fairness) it must always be done so in accordance to the principles of justice (1971:449). Bedford-Strohm explains that the good will always be determined according to individual circumstances taking into account the needs and desires of the specific person or persons involved. The right will be that which maximises the good (Bedford-Strohm 1993:215). He later suggests that rather than speaking of the priority of the right over

⁶³ A “politics of the common good” will “encourage conceptions of the good that adhere to standards in the larger community” (Wyatt 2008:124).

the good, it would be better to speak of the “*Begrenzung des Guten durch das Rechte*” (290). Each individual’s specific conception of the good needs to fall into line with the generally accepted conception of the right. It is thus the duty of each individual to not infringe on the rights of others and to ensure that their concept of the good can be integrated with the right. Wyatt sees the right and the good as being complementary and any concept of the good must be acceptable to the people; “just institutions and political virtues must sustain conceptions of the good that people regard as worthy” (2008:147).

Justice as fairness is framed with the idea of a well-ordered society, in which everyone “accepts and knows that the others accept the same principles of justice, and the basic social institutions satisfy and are known to satisfy these principles... There is no necessity to invoke theological or metaphysical doctrines to support its principles, nor to imagine another world that compensates for and corrects the inequalities which the two principles permit in this one. Conceptions of justice must be justified by the conditions of our life as we know it or not at all” (Rawls 1971:454). It seems as if Rawls does not take into account the work of theology, the church and other religious bodies in the social and political world and in the development of justice and human rights, although remembering that the principles need to be acceptable to all people, a principle may be grounded in religion but needs to be tailored to appeal to the non-religious person as well.⁶⁴ Nowhere does Rawls deny that the principles may be accepted by religion and applied in a religious setting. What he later talks about in *Political Liberalism* is toleration and liberty of conscience. Although his reasoning behind why religions should endorse the principles of justice is to “ensure the liberty of its adherents consistent with the equal liberties of other reasonable free and equal citizens”

⁶⁴ Sandel explains that Rawls is not a moral relativist since no theory of justice and rights can be morally neutral. Rather, whatever ends a person might choose for their life respects other people’s right to do the same. “The appeal of a neutral framework lies precisely in its refusal to affirm a preferred way of life or conception of the good” (2009:216).

(2005:460) the point is also made that religions should not oppress either the followers or the non-believers.

Rawls sees the identity of citizens as being free from any connection to a particular conception of the good, but they will be free to “conceive of themselves and of one another as having the moral power to have *a* conception of the good” (2005:30). If citizenship was based upon a particular conception of the good the liberal political ideal would be violated (Mulhall 2003:466).⁶⁵ However, “[J]ustice as fairness assumes... that the values of community are not only essential but realizable, in the various associations that carry on their life within the framework of the basic structure” (Rawls 2003:146). Mulhall argues that political liberalism embodies a vision of the intrinsic value of a properly constituted political community; in such a community, the members are committed to a shared goal; they are not only driven by personal advantage (2003:469). They are drawn together not by a common notion of the common good, but by each individual’s right to freedom, equality and ultimately participation in various communities.⁶⁶

The concept of moral worth remains secondary to those of right and of justice, because it “can be characterized as desires or tendencies” to act upon the principles of justice (Rawls 1971:312-313). The theory of justice recognizes that people are responsible for their own ends.⁶⁷ Although each

⁶⁵ Citizens have the capability of revising and changing their conception of the good “on reasonable and rational grounds” (Rawls 1993:30).

⁶⁶ “The essentially social nature of the human beings is important; the self is formed by its roles, attachments, and relationships with other people, institutions, communities and traditions. Conceptions of what is right and how society should be organised always presuppose some vision of the common good” (Fergusson 1998:139).

⁶⁷ The “fully adequate scheme” of basic liberties is to “be equally provided for all citizens.” Although “the worth of a basic liberty to a person depends on her circumstances, things such as wealth, education, intelligence, interests, and so on, and individual circumstances inevitably will differ in these and other respects. In justice as fairness the measure for determining the fair worth of the basic liberties (aside from the political liberties) is not determined by the first principle, but is settled by the difference principle. Rawls says that justice as fairness, rather than aiming to secure equal worth of the basic liberties, aims to maximize the worth of the basic liberties of the worst-off.” The difference

person is regarded “as someone who can and who desires to take part in social cooperation for mutual advantage” they ultimately make their own decisions as to how to make the best use of their resources” (Rawls 1999b:365). Society will not suppress the will and desire of people for a certain lifestyle, ambitions or goals; a just society will seek to ensure that in pursuing their own ends people do not compromise the justice of others.

Mutual respect is extremely beneficial where the right and the good are concerned, with the behaviour of people becoming somewhat reciprocal. “Everyone benefits from living in a society where the duty of mutual respect is honored. The cost to self-interest is minor in comparison with the support for the sense of one’s own worth” (Rawls 1971:338). If everyone acts in way which is just (as determined in the original position), it stands to reason that everyone will benefit and no one will be treated unfairly, since the only inequalities allowed are those which benefit the least disadvantaged. But this requires that all citizens act in this way and behave decently (cf. Rawls’s concept of decent peoples) and fairly (cf. the same reasoning for mutual aid (Kant) Rawls 1971:338). Miller claims that Rawls holds people responsible for their conceptions of the good and therefore for the good which they can derive from their portion or allocation of primary goods (2006:197).⁶⁸ This places a lot of responsibility on individuals to behave in a certain way and also assumes that they will learn to think and behave according to certain rules which they learn from interaction in society and the institutions to which they belong.

Rawls suggests the use of the two principles of justice as a part of the conception of right for individuals (1971:335); their sense of the right and of the good is determined by their participation in society. If citizens are

principle thus enables citizens “to enjoy basic liberties that are fully adequate to the exercise and development of their moral powers to be reasonable and rational” (Freeman 2007:117).

⁶⁸ Rawls uses the example of someone who surfs all day at Malibu. Such a person would not be entitled to public funds because he has chosen not to work (1999b:455).

‘conditioned’ to act in a certain way, it will be natural for them that the right is prior to the good. Thus, the just actions of institutions are invaluable in creating a just society and forming the consciousness of citizens and encouraging them to act in a good way which is in accordance with the right.

2.5 Justice as Fairness and Society

2.5.1 The Relationship between Justice as Fairness and Society

Justice as fairness encourages people to act autonomously because

they are acting from principles that they would acknowledge under conditions that best express their nature as free and equal rational beings... (M)oral education is education for autonomy. In due course everyone will know why he would adopt the principles of justice and how they are derived from the conditions that characterize his being an equal in a society of moral persons (Rawls 1971:515-516).

Acting autonomously is acting from principles that people would consent to as free and equal beings, and is the way we would expect others to act. For this reason, a contract approach is appealing because there is something of a self-interested perspective even if, for Rawls, this is hidden behind the veil of ignorance. Also, cooperation with others is needed to achieve the goals in society, so cooperative behaviour is chosen as it is most beneficial for meeting self-interested needs (Sen 2009:202-203). However, it is important that the principles of justice as fairness be within the reach of human capacities, especially considering the important part they play in justice as fairness and in the formation just behaviour (Freeman 2003:288).

Rawls emphasises throughout his work that the principles of justice are a part of the basic structure of society; they are both compatible with and define the idea of good in the society. Just as an economic system not only

satisfies wants and need, but is a way of creating and fashioning want in the future, the social system of a society shapes the people who live in it. (1971:259). The principles of justice want to bring the citizens to a certain sense of justice, and to encourage the virtue of justice in them. “[They] define a partial ideal of the person which social and economic arrangements must respect” (Rawls 1971:261). According to Rawls, a society which is regulated by a public sense of justice will be stable. The relationship between people and their loyalty to each other, to institutions and to society as a whole will contribute to the stability as the sense of justice in society increases (Rawls 1971:496ff).⁶⁹ While distributive justice and equality are important, it is also vital that everyone has a reason to endorse justice and equality in society. Larmore points out that equally important is the publicity of the defining principles of justice, so that “our reason for accepting them turns on others having reason to accept them too” (2003:370).

The principles of justice need public justification. For Rawls, there are three ideas which relate to this justification, namely reflective equilibrium, an overlapping consensus and free public reason. Justice as fairness is a political conception of justice because while it is a moral conception it is worked out specifically for the basic structure of a democratic society and has nothing to do with any particular comprehensive doctrine (Rawls 2001:27). It seeks to find principles which would be most acceptable to the majority of people, without excluding anyone because of their particular beliefs or cultural practices.

⁶⁹ Freeman explains what requirements must be met for a stable society where a sense of justice is taken seriously. “Where (1) there is a freestanding political conception of justice (2) that is acceptable to reasonable persons and endorsed by all reasonable comprehensive doctrines in an overlapping consensus, and (3) that provides content to public reasoning about constitutional essentials and basic justice – then a liberal and democratic well-ordered society is *stable for the right reasons*: its conception of justice is generally acceptable to and guides the actions of free and equal citizens on the basis of moral reasons implicit in their *sense of justice* and also in their reasonable comprehensive views” (Freeman 2007:329).

For Rawls, the idea of the overlapping consensus is fundamental to the functioning of principles of justice in society. The overlapping consensus was introduced to “make the idea of a well-ordered society more realistic and to adjust it to the historical and social conditions of democratic societies, which include the fact of reasonable pluralism” (Rawls 2001:32). This is where people with different doctrines, religious creeds and philosophies can find a common ground.⁷⁰ Rawls expects religion, philosophy and morality to remain “background culture” as part of a comprehensive doctrine (2005:14). This results in the “political” becoming the determiner of what actions are just and acceptable in society.⁷¹ On this ground it is necessary for public reasoning, and following this a political conception of justice, to be complete, so that society avoids appealing to religious, philosophical or moral doctrines when making decisions with regards to critical issues (Freeman 2007:405). Thus, a community which is conceived by political liberalism derives from an “overlapping consensus on a political conception of justice suitable for a constitutional regime” rather than a community united by comprehensive religious, philosophical, or moral doctrine (Rawls 1993:201).⁷² However, knowledge of one another’s religious and nonreligious doctrines is

⁷⁰ Rawls has often been misunderstood on this point. He is not saying that there is no overarching theory of justice; rather he is saying that there needs to be a certain conception of justice where different points of view can meet, thus enabling a specific conception of justice to endure politically (Larmore 2003:377).

⁷¹ “In a democratic society there is a tradition of democratic thought, the content of which is at least familiar and intelligible to the educated common sense of citizens generally. Society’s main institutions, and their accepted forms of interpretation, are seen as a fund of implicitly shared ideas and principles” (Rawls 1993:14). This means that “reasonable though opposing religious, philosophical, and moral doctrines that gain a significant body of adherents and endure over time from one generation to the next” will contribute to and support a reasonable overlapping consensus (Rawls 2001:32).

⁷² “The political conception of justice is worked out first as a freestanding view that can be justified *pro tanto* without looking to, or trying to fit, or even knowing what are, the existing comprehensive doctrines. It tries to put no obstacles in the path of all reasonable doctrines endorsing a political conception by eliminating from this conception any idea which goes beyond the political, and which not all reasonable doctrines could reasonably be expected to endorse (to do that violates the idea of reciprocity)” (Rawls 1993:389).

essential, so that citizens can recognize how the various doctrines support the principles of justice (Rawls 1993:462).⁷³

Because of the priority of the political conception of justice, it is important that there is not only one political conception. An overlapping consensus will include “different conceptions of society and of citizens as persons, as well as principles of justice, and an account of the cooperative virtues through which those principles are embodied in human character and expressed in public life” (Rawls 2001:195). The “principles, ideals, and standards that may be appealed to are those of a family of reasonable political conceptions of justice and this family changes over times” (Rawls 1993:453). Rawls has often been criticised for not creating a space for unreasonable persons. However, as Freeman points out, any overlapping consensus with unreasonable persons or doctrines will end up being unreasonable itself. Unreasonable people often do not accept the pluralism found in a democratic society and will refuse to cooperate on reasonable terms (2007:371).⁷⁴

Rawls identifies two different forms of discourse that can be used in public reasoning. The first one is the declaration of a comprehensive doctrine, either religious or non-religious. Rawls refers to the Gospel parable of the Good Samaritan, which can be used to give a public justification of

⁷³ Rawls refers in a footnote to the specific importance of recognizing the religious (and other) roots. He quotes David Hollenbach (Professor of Theology at Boston College) in support of dialogue in the public sphere between the church and civil society (2005:463-464). Rawls makes it clear that the religious roots of political liberalism should not be forgotten, even though political liberalism itself need not study it.

⁷⁴ “Unreasonable persons will end up being intolerant of other people or doctrines, or they might refuse to accept the role of society to meet the basic needs of all people” (Freeman 2007:371). Freeman earlier makes the point that when talking about conception of the good the “crucial assumption is that, as individuals tend to develop a desire to support just institutions that benefit them and those they care for, so too will they incorporate this desire, in some form, into their conception of the good. This means that, from among the many possible religious, philosophical, and ethical doctrines, those that will gain adherents and thrive in a well-ordered society will be reasonable and will endorse (or at least will be compatible with) the public principles of justice, each for their own specific reasons” (2003:307).

political values.⁷⁵ This creates ties between Christians and non-Christians, who can endorse the same public principles from their different perspectives. Secondly, we can try to show other people why they can endorse a reasonable political conception (Rawls 1993:465-466). Thus there is an ongoing dialogue between people speaking from very different doctrines and viewpoints.⁷⁶

The principles of justice place certain limits on the conception of the good because justice has priority over efficiency and liberty is prioritised over social and economic advantages. So desires which conflict with the principles of justice must be discouraged (Rawls 1971:261). Here, it once again becomes necessary to question the priority of liberty over social and economic advantages. While liberty clearly is of great importance in society to avoid oppression, the social and economic needs of people surely need to be met before their liberty is guaranteed. Or is this a false impression? Perhaps freedom will always (or should) stand prior to social and economic needs (for as long as life is being sustained) so long as it does not gain absolute precedence. Rawls associates liberty with the first principle, equality corresponds to the idea of equality in the first principle as well as equality of fair opportunity and fraternity is found in the difference principle (1971:106). Sen interprets the priority of liberty not as an extreme position, but rather as a more general claim that “liberty cannot be reduced to being only a facility that complements other facilities

⁷⁵ What exactly are the political values that Rawls talks about? Freeman has drawn up an extensive list which he defines as “a complex array of considerations that are especially relevant to citizens’ achieving their status as free and equal democratic citizens and pursuing reasonable conceptions of their good” (2007:388). Included in this list are: “appropriate respect for human life, the full equality of women, the reproduction of liberal society over time and respect for requirements of public reason itself in political discussion of controversial issues... the equality of children as future citizens, the freedom of religion and the value of the family in securing the orderly production and reproduction of society and its culture from one generation to the next” (2007:389).

⁷⁶ For an overlapping consensus to develop it is important that there is a “certain looseness” in our comprehensive views, as well as them being only partially comprehensive. Rawls considers three possibilities about how our allegiance to a political conception might depend on its derivation from a comprehensive view: “(a) the political conception is derived from the comprehensive doctrine; (b) it is not derived from but it compatible with that doctrine; and last, (c) the political conception is incompatible with it.” Generally, a comprehensive doctrine (be it religious, philosophical or moral) are only partially comprehensive and so open to cohere with the political conception (Rawls 2001:193).

(such as economic opulence)” and points out the necessity of “personal liberty in human lives” (2009:59). For Rawls, liberty is both a personal freedom and a basic necessity placing it both prior to and equal to equality and fraternity.

The idea of justice as fairness is to use the notion of pure procedural justice to handle the contingencies of particular situations. The social system is to be designed so that the resulting distribution is just however things turn out. To achieve this end it is necessary to set the social and economic process within the surroundings of suitable political and legal institutions. Thus it is necessary to have what Rawls refers to as “background institutions” (1971:274-5). The expectation here is that the background institutions themselves will be just (governed by the principles of justice).⁷⁷ Inequalities in distribution of assets, social security, wealth and income then become acceptable, because they are the result of a just original position.

Rawls views a democratic government as the way to meet the principles of the original position. There is a list of requirements which are necessary to achieve and sustain stability in a country, and which will (or at least should) ensure that inequalities are kept to a minimum. These requirements are satisfied by the principles of justice of all liberal conceptions (that is, democratic governments). They cover essential prerequisites for a basic structure within which the ideal of public reason, when conscientiously followed by citizens, may protect the basic liberties and prevent social and economic inequalities from becoming excessive. Rawls lists five important requirements necessary to achieve stability (Rawls 1999a:50-51):

⁷⁷ Political and social life is often pervaded by injustice. Thus it is necessary for a structural ideal to “specify constraints and to guide adjustments.” There needs to be a conception of justice which will “specify the requisite structural principles and point to the overall direction of political action.” Thus an ideal theory which specifies a completely just basic structure provides direction to society (Rawls 1993:284-85).

A certain fair equality of opportunity, especially in education and training

A decent distribution of income and wealth: all citizens must be assured the all-purpose means necessary for them to take intelligent and effective advantage of their basic freedoms

Society as employer of last resort through general or local government, or other social and economic policies

Basic health care assured for all citizens

Public financing of elections and ways of assuring the availability of public information on matters of policy

The corruption of power more often than not leads to an unjust starting point, which in turn makes for unjust distribution and unjust equalities. Individuals and groups will put forward competing claims, and will not abandon their interests for the sake of justice, despite a willingness to act justly. Rawls points out that “a society in which all can achieve their complete good, or in which there are no conflicting demands and the wants of all fit together without coercion into a harmonious plan of activity, is a society in a certain sense beyond justice” (1971:281).

“Justice as fairness has a central place for the value of community... the essential idea is that we want to account for the social values, for the intrinsic good of institutional, community and associative activities, by a conception of justice that in its theoretical basis is individualistic” (Rawls 1971:264). By looking after the well-being of each individual, the community will benefit. A just community should also create just individuals – forming their thoughts on certain acceptable ways of life which will be in accordance with the just policies and formations of the society in which they participate. The justice will also be acceptable to different people insofar as it is not based upon a single religious or moral idea, but rather political principles: “Political liberalism proposes that, in a constitutional democratic regime, comprehensive doctrines of truth or of right are to be replaced in public reason by an idea of the politically reasonable addressed to citizens as citizens” (Rawls 1999a:55). People

thus become political beings rather than religious or moral beings, although the religious and moral nature is not denied, since this is then required in that they can be influenced by the political policies.⁷⁸

Rawls realises that there is no agreement on the way basic institutions of a constitutional democracy should be arranged if they are to specify and secure the basic rights and liberties of citizens and answer to the claims of democratic equality when citizens are free and equal persons. Justice as fairness tries to adjudicate between the contending traditions and find a solution which is acceptable to all, thus the exclusion of morally justifiable principles becomes necessary (Rawls 2003:190).⁷⁹ The two principles put forward by Rawls are intended to create a space where different institutions and historical traditions can recognize common basic ideas and principles. Justice as fairness avoids the autocratic use of state power by creating a principle of toleration; the state cannot attain public agreement on basic philosophical questions without infringing on basic liberties (Rawls 2003:194). Rawls emphasizes that on political thought citizens do not view the social order as a fixed natural order, or as an institutional hierarchy justified by religious or aristocratic values. The over-arching fundamental idea is that of society as a fair system of co-operation between free and equal persons in which everyone's good is understood and respected. Social cooperation contains three important elements (Rawls 2003:196):

Co-operation is guided by publicly recognized rules and procedures which those who are co-operating accept and regard as properly regulating their conduct

Co-operation involves the idea of fair terms of co-operation. This is accomplished by specifying basic rights and duties within the main

⁷⁸ However, for justice to be an intrinsic good means that "exercise of the capacities for justice in appropriate settings is an activity worth doing for its own sake" (Freeman 2003:291).

⁷⁹ Naudé criticises Rawls for basing moral interaction between individuals on the institutions under which they live (1981:61). He claims that Rawls is unable to adequately accommodate the moral obligations of individuals towards each other in his theory. Rawls assumes, incorrectly according to Naudé, that the moral relationships between individuals can be derived from the institutions under which they live.

institutions of society, and by regulating the institutions of background justice over time so that the benefits produced by everyone's efforts are fairly acquired and divided from one generation to the next.

The idea of social co-operation requires an idea of each participant's rational advantage or good.

The idea of justice as fairness is a conception for a democratic society partly because it is offered as a practical guide for citizens who, as ultimate political authority, are assumed to rely in their political judgements on a conception of justice, to be uncertain about what the best conception is, and to take an interest in defending their views by reference to the most reasonable conception for a society of equals (Cohen 2003:103). The original position reflects Rawls's view that justice requires that people be treated as equal and as free (Mulhall 2003:465). Equality and freedom can only be attained and respected if the parties are not motivated by inequalities or by any prior conception of the good.

2.5.2 Justice, Morality and Community

Rawls abandons the idea of community as "a political society united on one (partially or fully) comprehensive religious, philosophical, or moral doctrine" since it does not fit in with the idea of reasonable pluralism (Rawls 2001:199). Instead, he views a social unity as "deriving from an overlapping consensus on a political conception of justice." A social unity is understood as the "most desirable conception of unity available" and thus a well-ordered society is not a private society because "citizens do have final ends in common." The more citizens come to realize the good of political society for themselves "both as a corporate body and as individuals," the less they will act out of "envy, spite, the will to dominate, and the temptation to deprive others of justice" (Rawls 2001:202).

In a well-ordered society, with its idealistic idea of justice as fairness as well as the resulting overlapping consensus taken for granted, it is perhaps necessary to ask why people would care about justice in the first place and why they would subordinate their own ends to the requirements of justice.⁸⁰ Rawls offers psychological reasoning for why people will behave in this way; as they develop and learn to interact first in a family and eventually in broader society, they will naturally develop a sense of justice. This sense of justice must correspond to the person's idea of good if they are to act on it (cf. Rawls's idea of good and a rational life plan). Society, and participation in society, is thus an important good because it secures "the good of justice and the social bases of mutual- and self-respect" for citizens (Rawls 2001:200). By securing the "equal basic rights, liberties, and fair opportunities, political society guarantees persons public recognition of their status as free and equal" and by doing so answers to their "fundamental needs."

The social nature of humans cannot be denied and the moral feelings and sentiments are a natural outgrowth of this nature. Fair terms of social cooperation will appeal to people who can appreciate the resulting mutual benefits.

Once the powers of understanding mature and persons come to recognize their place in society and are able to take up the standpoint of others, they appreciate the mutual benefits of establishing fair terms of social cooperation. *We have a natural sympathy with other persons and an innate susceptibility to the pleasures of fellow feeling and self-mastery*, and these provide the affective basis for the moral sentiments once we have a clear grasp of our relations to our associates from an appropriately general perspective. *Thus this tradition regards the moral feelings as a natural outgrowth of a full appreciation of our social nature* (Rawls 1971:459-460).

⁸⁰ For a full discussion between the relationship of morality and congruence and the relevance for justice see Samuel Freeman *Congruence and the Good of* (2003). Here Freeman argues that it is necessary to show *how* people come to care about justice and *why* they should care about it sufficiently so that they will subordinate pursuit of their ends to requirements of justice (2003:280).

Sen makes a similar point when questioning whether just institutions will be dependent on just behaviour and points out that reasonable behaviour is very difficult to assume (2009:68).

Because of the appeal of mutual benefits and our social nature, community is an essential part of our formation with regards to justice. In the last third of his book, Rawls speaks of how a person's idea of justice is formed in a community, and nurtured within the bond of the family, associations and interaction with others.⁸¹ He formulates three laws for the psychological development of justice in a person. The aim of his argument is to show that justice as fairness is "compatible with human nature and general facts about social cooperation and institutions" (Freeman 2007:41).

The idea of the family as an essential building block of society is emphasized in Rawls's work. The family arranges "in a reasonable and effective way the raising of and caring for children, ensuring their moral development and education into the wider culture" (Rawls 1993:467). Rawls's reasoning behind the family as basic structure is because of its "essential roles to establish the orderly production and reproduction of society and of its culture from one generation to the next" (Rawls 2001:162). The first law, morality of authority, is formed in the family. This assumes that the parents will love the child and that they will care for the good of the child. In this way, the child learns about love and respect, and certain values are developed. Essential to this morality is love, mutual trust, and developing the child's sense of self-respect (Freeman 2007:256). Freeman goes on to caution against not misinterpreting this morality with a punitive morality that is based on fear, oppression and lack of respect. It is crucial to realize that members of a family are firstly citizens and as such the basic claims of equal citizens cannot be violated. Therefore wives and husbands are equal, and children, as future citizens, have a right to the same liberties. While the political principles need not apply directly to family life but there needs to be some

⁸¹ Rawls is quoted as saying that he had planned on doing some other things mainly connected with this part of the book, "the part on moral psychology," which was the part he liked best. He was, however, side-tracked by the many criticisms of his theory of justice and he "wanted to find ways to strengthen the idea of justice as fairness and to meet the objections" (Freeman 2007:7).

sense of justice and fairness within the family which in turn will cultivate attitudes and virtues which support just institutions (Rawls 2001:165, 168).⁸²

The second law, morality of association, is developed from increased interaction in the broader community, given that the foundation was laid in accordance with the first law. Over the years, a person develops connections with more people and organisations and feelings of trust and friendship are continually extended. The content of this morality is characterized by the cooperative virtues: those of justice and fairness, fidelity and trust, integrity and impartiality (1971:472). The morality of association (involvement in the community in various organisations, teams, clubs and schools) leads to knowledge of the “standards of justice” (1971:473). Similarly to the family, though, associations and institutions as a whole are answerable to the principles of justice which govern society and may not violate the rights of the members as citizens.

In the third law, the morality is extended to the broader public community. However, this implies that the institutions are just, and that they are publically known to be just and accepted by the citizens as such. People will now realize that justice extends beyond their immediate associations, such as family and various communities of interaction, and that justice is given and received in a much broader sense on a national, and increasingly international, level.⁸³ “Eventually one achieves a mastery of these principles and understands the values they secure and the way in which they are to everyone’s advantage” (1971:473)

“Once the attitudes of love and trust, and of friendly feelings and mutual confidence, have been generated... then *the recognition that we and those for whom we care are the beneficiaries of an*

⁸² Nussbaum expresses disappointment in Rawls’s limited use of the family and his failure to properly deal with the family being shaped in fundamental ways by laws and social institutions (2006:105-6).

⁸³ See Rawls’s *A Theory of Justice* §75.

established and enduring just institution tends to engender in us the corresponding sense of justice. We develop a desire to apply and to act upon the principles of justice once we realize how social arrangements answering to them have promoted our good and that of those with whom we are affiliated. *In due course we come to appreciate the ideal of just human cooperation*" (Rawls 473-474 my italics).

For Rawls, it is not personal feelings between individuals which unite them but rather "their common allegiance to justice" where they recognise that the rules which each person respects are also respected and accepted by the other members of the society. Because of the sense of justice, people will be willing to advance just institutions, both those that directly affect our good as well as those that affect the good of the larger community (Rawls 1971:474).⁸⁴ Those who grow up in a well-ordered society, who have a rational life plan and who believe everyone else to have a sense of justice, have "sufficient reason founded on their good (rather than on justice) to comply with just institutions" (Rawls 2001:202). Thus for Rawls, the stability of a just society is dependent on developing the right attitudes and sentiments in people (Nussbaum 2006:411).

The sense of justice cannot be separated from the idea of respect for persons. When there are two conflicting ideas of what is right and just, Rawls suggests that we need to fall back on the virtues such as truthfulness, commitment and sincerity (1971:519). The basic idea behind the feelings of love, friendship and even justice which arise from the various relationships is one of reciprocity. Because we recognise that other people wish us well, we will care for them in return (1971:494).⁸⁵ This is

⁸⁴ Rawls acknowledges that it may seem strange that people will act from a conception of right and justice. However, he provides three responses to this objection. Firstly, because the moral principles are chosen by rational persons to "adjudicate competing claims" and because they are ways of advancing human interests it is necessary to secure these ends. Secondly, the "sense of justice is continuous with the love of mankind." The principles of justice guide benevolence, and are therefore completely natural and intelligible. Finally, by acting on these principles, people "express their nature as free and equal rational beings" (1971:476).

⁸⁵ "The citizen body as a whole is not generally bound together by ties of fellow feeling between individuals, but by the acceptance of public principles of justice... (T)heir common allegiance to justice provides a unified perspective from which they can adjudicate their differences ... and a sense of justice gives rise to a willingness to work for (or at least not to oppose) the setting up of just

closely related to the idea of cooperation. Rawls says that when reasonable citizens view each other as free and equal, they will offer terms of justice that they consider reasonable and they will act on those terms provided that the other citizens also accept the terms. Even though citizens may differ in what they think is most reasonable when talking about justice, they must be able to agree that *all* are reasonable (Rawls 1993:446).

Rawls sees self-command as being the underlying virtue in promoting right and justice in the society. He claims that “love of mankind” is beyond the capabilities of most people, and is reserved for those few people who are acutely aware of the needs of their neighbours, characterised by benevolence and “a proper humility and unconcern with self” (1971:479). But self-command on the other hand, is something which can be practiced by all and contributes to the establishment of justice in society. Related to this is the idea that a person who possesses a certain degree of self-command will also value trust and friendship and relationships and therefore also justice because conversely, someone who rejects justice is, according to Rawls, a person who lacks certain feelings and natural attitudes. Freeman summarises the human condition and the resulting circumstances which Rawls considers necessary for developing moral motives of justice:

Assume individuals are not egoists; that is, the objects of human desire include not just states of the self (one’s own security, comfort, reputation, appearance, etc.). *Humans normally have other ends that do not specifically relate to states of themselves* (cultural, political, and social ends). Moreover, *we often desire the good of others for its own sake* (as in love, friendship, solidarity, etc.). Humans are then normally altruistic. *But we are ‘limited altruists,’ and not ‘pure’ altruists* – that is, we are not impartially benevolent, equally concerned for everyone’s good. These are among the subjective circumstances that make justice necessary (2007:253).

institutions, and for the reform of existing ones when justice requires it... This inclination goes beyond the support of those particular schemes that have affirmed our good. It seeks to extend the conception they embody to further situations for the good of the larger community” (Rawls 1971:474).

It is our inability to be purely benevolent and entirely motivated by love which necessitates justice.

Rawls relates the morality of the principles of justice to a sense of right and justice on one hand, and to the love of humankind and self-command on the other. Right and justice are available to all as part of our good while love and self-command are reserved by Rawls for the saint and the hero. The love of humankind advances the common good beyond the requirements natural duties and obligations which place it out of the reach of ordinary persons, demanding the virtues of “benevolence, a heightened sensibility to the feelings and wants of others and a proper humility and unconcern with self.” Self-command at its best displays characteristic virtues of “courage, magnanimity, and self-control in actions presupposing great discipline and training” (Rawls 1971:479).

Rawls spends twelve pages refuting the criticism of the contract doctrine as individualistic (1971:520-534). He contrasts the social nature of human beings with the conception of private society. From his perspective, human beings are dependent upon one another and need to be able to share in each other’s successes. Each individual cannot hope to accomplish alone what can be accomplished by working with others. “When men are secure in the enjoyment of the exercise of their own powers, they are disposed to appreciate the perfections of others, especially when their several excellences have an agreed place in a form of life the aims of which all accept” (1971:523).⁸⁶

Community is not necessarily only spatial, but is also temporal, extending throughout history so that the contributions of successive generations can be seen forming a chain which contributes to the good of society

⁸⁶ He later uses an illustration of an orchestra, and how the various members are dependent upon one another. “In each case, persons need one another, since it is only in active cooperation with others that any one’s talents can be realized, and then in large part by the efforts of all” (Rawls 1993:321).

(1971:523). Science and art provide some examples of how community can benefit all both temporally and spatially. Here, the ends are valued for themselves. Rawls points out that it is also only in community that individuals can be complete. Our different talents and gifts complement each other. It is “only in active cooperation with others that any one’s talent’s can be realized, and then in large part by the efforts of all” (Rawls 1993:321). The basic structure of society should provide a platform in which the various activities relating to talents and gifts can be carried out. A condition which Rawls places on our use of talents is that those who do succeed must use their talents in the community to the benefit of everyone.⁸⁷

Art, science, religion and culture are all important parts of our communal life and present a degree of satisfaction in life.

The development of art and science, of religion and culture of all kinds can be thought of in much the same way. Learning from one another’s efforts and appreciating their several contributions, human beings gradually build up systems of knowledge and belief; they work out recognized techniques for doing things and elaborate styles of feeling and expression. ... When [the] end is achieved, all find satisfaction in the very same thing; and this fact together with the complementary nature of the good of individuals affirms the tie of community (Rawls 1971:526).

In the same way that people participate together in community, Rawls expects people to want everyone in society to act on the same principles which ensure just outcomes for everyone; when everyone acts justly, everyone will be satisfied with the outcome. This requires a basis of moral principles upon which everyone will act (1971:527).

⁸⁷ With regard to talent, Michael Sandel offers an interesting discussion on moral arbitrariness. He points out that “handicapping” individuals so that they cannot benefit from their talents is a far less desirable alternative to ensuring that individuals use their talents to benefit the community. He also considers the necessity of incentives, that is, what is necessary to encourage talented people to use their talents (Rawls’s argument for differences in wages). While some may argue that effort deserves to be rewarded, it is impossible to argue that success can be attributed to effort alone; some form of morally arbitrary factors which are beyond our control (2009:153-159).

The social union now becomes a necessary part of the theory of justice, for justice can only function in a society where people are dependent upon each other and realize this dependence; that is, they realize that they alone cannot attain all their goals but they require the assistance and expertise of others. Justice functions well when people behave in a moral way according to principles, such as the two principles of justice proposed by Rawls, which are agreed upon and accepted by all.

Rawls is often criticised by communitarians for the individualism of his theory.⁸⁸ Communitarians believe that community should be treated at least on an even par with the concepts of liberty and equality (Wyatt 2008:122). It typically begins with criticisms of liberalism which seeks to provide a moral basis for societies in the absence of any shared conception of the good (Fergusson 1998:138). The basis of rights of individual citizens to various freedoms and equality of treatment is viewed as too thin a basis to sustain the polity of a pluralist society. This is criticising the core argument of Rawls that the common good cannot sustain justice, a neutral position is necessary which excludes different moral and religious views since these divergent views can never be reconciled. Rawls counters this argument with his view of community as a society of citizens with the same end in mind. He continues to hold, however, that his political conception of justice is not a comprehensive one, but instead connects

⁸⁸ Modern-day communitarianism began in the upper reaches of Anglo-American academia in the form of a critical reaction to John Rawls's *A Theory of Justice*. Political philosophers such as Alasdair MacIntyre, Michael Sandel, Charles Taylor and Michael Walzer disputed Rawls's assumption that the principal task of government is to secure and distribute fairly the liberties and economic resources individuals need to lead freely chosen lives (Bell 2005). It is necessary to mention that these critics of liberal theory never did identify themselves with the communitarian movement (the communitarian label was pinned on them by others, usually critics, they have all attempted to avoid being labelled as communitarians), much less offer a grand communitarian theory as a systematic alternative to liberalism. The arguments of these scholars vary considerably; MacIntyre opposing even the nation-state of liberalism while Walzer attempts to redefine communities within the liberal state. Nonetheless, there are certain core arguments which are meant to contrast with liberalism's devaluation of community and recur in the works of the four theorists, most notably the arguments centring on Rawls's use of the Archimedean point, his priority of the right over the good and the lack of a common good in society.

citizens, understood as reasonable and rational beings, as free and equal (Rawls 1993:380).

2.5.3 Rawls's Theory of Justice and Religion

Rawls clearly, time and again, places comprehensive moral doctrines, including religion, outside the scope of justice as fairness. Although with his idea of the overlapping consensus, place is later made for comprehensive moral ideas to be entered into the public realm, no indication is given as to the religious roots of justice. Gregory describes the restrictions placed on religious contributions to politics in liberal democracy as “troubling.” He feels that Rawls does not take into account the importance which religion has had on political formation in the past; neither does he respect democratic right of citizens to practice their faith publicly:

They are (1) impractical (rational justifications are always relative to epistemic or cognitive context); (2) historically naive (religious convictions have inspired some of the most democratic episodes in public life); (3) strategically self-defeating (regulating public speech will not alleviate, and may fuel, the very real political dangers of religious convictions); and (4) antidemocratic (these restrictions impose an unjust political burden on many religious citizens that often betrays an excessive fear of democratic politics itself) (Gregory 2007:198).

Rawls is not, however, attempting to remove religion from the public sphere and banish it to the private sector. He is merely seeking to contain it, or present it, in a way which is acceptable to those who do not necessarily share the same religious view and to ensure that it does not impose on the freedom and dignity of those people. This does beg the question of whether religion and politics can, and should, be separated to such a large extent. Rawls argues that the political realm is just one part of the domain of the moral (2001:14).

Despite his arguments for keeping justice in the political free from religious conceptions, there is something decidedly religious about Rawls's work, although he himself does not admit to any religious leanings. Nagel says that the religious aspect of Rawls's work, "born of a vivid sense of religion in human life and the historical crimes committed in its name" sets him apart from other philosophers. "Though his work is entirely secular, he has, I believe, a religious temperament and an understanding of both the power and danger of transcendence with its capacity to overwhelm worldly constraints" (Nagel 2002:76). Since Rawls never made a religious statement, it is difficult to know what his reply to such a statement might have been.⁸⁹ His strong emphasis on morality, formed within and without the institutions of justice, suggest that he never intended to deny the influence of the religious, but sought a platform to make religious (and other) worldviews inclusive rather than exclusive. He says that "reasonable comprehensive doctrines, religious or non-religious, may be introduced in public political discussion at any time, provided that in due course proper political reasons ... are presented that are sufficient to support whatever the comprehensive doctrines introduced are said to support" (2005:462).

In his essay, *The Idea of Public Reason Revisited*, Rawls stresses the difference between a political idea which belongs to the category of the political and comprehensive religious doctrine (2005:486). He upholds that public reason "does not trespass upon religious beliefs and injunctions insofar as these are consistent with the essential constitutional liberties... There is, or need be, no war between religion and democracy." The aim of a well-ordered constitutional democratic society is "one in which the dominant and controlling citizens affirm and act from irreconcilable yet reasonable comprehensive doctrines [which] in turn support reasonable

⁸⁹ There is a short document (7 pages) entitled *On my Religion* which is published with Rawls's senior thesis but this is more a justification of religions existing in harmony than a personal confession of faith.

political conceptions ... which specify the basic rights, liberties, and opportunities of citizens in society's basic structure" (Rawls 1993:490). It is the contention of this thesis that Rawls offers a place for theology to enter the political debate; how and where theology may do so is not necessarily a task for political philosophers but rather for theologians.

Perhaps the biggest difference between political philosophy and theology, and more specifically between Rawls's work and that of Niebuhr, is the idea of a "realistic utopia."⁹⁰ Any Christian hope for justice is grounded in an eschatological hope. Rawls was of the opinion that this would cause people to become apathetic. Instead he found the solution to cynicism and resignation by "showing how the social world may realize the features of a realistic utopia" working towards this "gives meaning to what we can do today" (Rawls 1999:128). Despite the fact that his principles of justice can be orientated within an option for the poor, a theological view will always place principles of justice in an eschatological horizon (Bedford-Strohm 1993:298).⁹¹

However, Rawls's difference principle can be related to the option for the poor found in theology. Bedford-Strohm suggests that Rawls's theory offers both convincing reasons and practical reasoning for an option for the poor (1993:306). Similarly, Naudé compares a "partisan or prioritarian notion of justice" to the distributive justice developed by Rawls (2007:41). Rawls's law of peoples, which requires that people have a duty to assist

⁹⁰ Edmund Santurri argues that between utopianism and cynicism, realism offers a "life that is worthwhile even if the ultimate source of meaning is something beyond human making and that this conviction about life's meaning should suffice to sustain the struggle for justice, as impoverished and as unfinished as this struggle must be in the course of human history" (2005:812). Santurri proposes that a Christian political realism survives Rawls's polemic against political realism and also that Rawls himself needs some form of political realism to be fully persuasive in his arguments (*Global Justice after the Fall: Christian Realism and the "Law of Peoples"*).

⁹¹ „An der Option für die Armen orientierte Grundsätze der Gerechtigkeit schaffen einen Rahmen für die faire Verteilung dieser Güter. Aus theologischer Sicht stehen solche Grundsätze der Gerechtigkeit in einem *eschatologischen Horizont*.“

other people living under unfavourable conditions, moves Rawls's egalitarianism towards its "special version of prioritarianism."⁹²

2.5.4 Justice between the Generations

Rawls describes the just savings principle as an "understanding between generations to carry their fair share of the burden of realizing and preserving a just society" (1971:289). Although Rawls is referring primarily to economic wealth, resources can also be considered in the same way. This is perhaps of particular importance in the face of the growing energy crisis. Natural resources are being depleted, and we can no longer afford to not look towards the future. We are continually being made more aware of the effects which our actions have on the environment, on the health of people and on the sustainability of life. While it is becoming imperative to employ conservation for our own generation, it is necessary to do so for the sake of the future generations as well.

A part of justice is to save for future generations.⁹³ Rawls says that the people in the original position must

ask what is reasonable for members of adjacent generations to expect of one another at each level of advance. They try to piece together a just savings schedule by balancing how much at each stage they would be willing to save for their immediate descendants against what they would feel entitled to claim of their immediate predecessors. ... When they arrive at an estimate that seems fair from both sides, with due allowance made for the improvement in their circumstances, then the fair rate (or range of rates) for that stage is specified (1971:289-290).

⁹² He notes the particular African perspective which can be given to Rawls's work by using concepts like "holism, vitalism and ubuntu" (Naudé 2007:43).

⁹³ Barry believes that Rawls's justice between the generations is the closest he gets to setting out his fundamental idea of justice as fairness. "The key to justice is a willingness to claim and be claimed on in virtue of a given principle. Justice must be 'fair from both sides'" (Barry 1989:200).

The just saving principle must be combined with the two principles of justice and the difference principle remains subordinate to the savings principle.

This is done by supposing that this principle is defined from the standpoint of the least advantaged in each generation. It is the representative men from this group as it extends over time who by virtual adjustments are to specify the rate of accumulation. They undertake in effect to constrain the application of the difference principle. In any generation their expectations are to be maximized subject to the condition of putting aside the savings that would be acknowledged. Thus the complete statement of the difference principle includes the savings principle as a constraint. Whereas the first principle of justice and the principle of fair opportunity limit the application of the difference principle within generations, the savings principle limits its scope between them (1971:292).

Therefore, present generations are bound by certain duties and obligations to future generations. Rawls says that “the present generation cannot do as it pleases but is bound by the principles that would be chosen in the original position to define justice between persons at different moments in time” (1971:293). Justice exists not only for the present, but for the future. Each generation has a moral obligation to ensure that there will be enough for their children, and for their children’s children. This is becoming ever clear as we face the reality of fuel and food shortages. Our community encompasses not only the people who surround us, but those who are still to come.

Justice between generations obviously becomes a lot more complicated when we begin talking about reparation. How is it possible to right the injustices of previous generations? This is reflected well by the situation in South Africa. Here, it becomes obvious exactly how complicated it is to ensure justice between generations. The injustice from the previous and present generations has major consequences for the younger generation and we now find it necessary to ask how things can be improved for the next generation. How do you justify the younger generation paying for the injustices of the previous generations? How is it possible to rectify such

gross inequalities in living conditions, income and education? These are questions that are not addressed by Rawls. Miller speaks of an “intergenerational account of collective responsibility” where a people today are “entitled to inherit the legitimate gains of its predecessors and liable to make redress for the injustices they perpetrated, in cases where these injustices can be shown to have had a lasting effect” (2006:200). This form of responsibility surely cannot be ignored when talking about justice. It does, however, remain a very complicated part of justice.

2.5.5 Justice and Equality

Justice as fairness is an egalitarian view of justice. Rawls feels that economic and social inequalities should be regulated because unless there is real scarcity, all should have enough to meet their basic needs and it is wrong that “some or much of society be amply provided for, while many, or even a few, suffer hardship, not to mention hunger and treatable illness” (Rawls 2001:130).

Inequalities should also be controlled to prevent one part of society from dominating the rest. Those with educated intelligence and property should not be allowed to dominate the rest of society. Basic rights and liberties should not vary according to capacity; all people are owed the guarantees of justice (Rawls 1971:506-512). All people are entitled to equal liberty, whether they have a capacity for justice or not; any inequalities are justifiable only by means of the difference principle. The potential which a person has for a sense of justice and for morality entitles them to be included and protected by the principles of justice; a person cannot be denied basic rights simply because they do not have the mental capacity to demand them. The minimum capacity which is demanded by the contract theory insures that everyone has equal rights. “Equality does not presuppose an assessment of the intrinsic worth of persons, or a

comparative evaluation of their conceptions of the good. Those who can give justice are owed justice” (Rawls 1971:510).

Class difference and perceptions of rank are often responsible for political and economic inequalities. “Significant political and economic inequalities are often associated with inequalities of social status that encourage those of lower status to be viewed both by themselves and others as inferior” (Rawls 2001:131). The result is deference and servility on one side and arrogance and a will to dominate on the others; the effects of these inequalities “can be serious evils and the attitudes they engender great vices.” Rawls is particularly critical of status which is ascribed by birth, gender or race as well as monopoly and the dominance of a wealthy few.

Being a citizen should ensure equality. Equality as respect which is owed to persons regardless of their social position is fundamental; it is defined by the first principle of justice and is owed to human beings as moral persons. Equality as it is in connection with the second principle involves the distribution of goods which will inevitably be unequally distributed according to status (1971:511). For Rawls, the difference principle curbs this unequal distribution of goods. He feels that people will be more accepting of inequalities when the prosperity of others benefits the disadvantage of others. Basically, social barriers are unacceptable determinates of distribution. If everyone has an equal opportunity to compete, they will not be resentful on missing out on an opportunity because of certain social barriers. The difference principle applies in the first instance to economic systems and legal institutions, such as “the market mechanism, the system of property, contract, inheritance, securities, taxation and so on” (Freeman 2007:99). With regard to international differences, the difference principles cannot apply. But still,

Rawls claims that on an international level, well-ordered and decent societies have a duty of assistance toward burdened peoples.⁹⁴

Of course, there are still inequalities in income. But the difference principle's guarantee of a "social minimum" means that although "there are those who are "least advantaged," as there must be in any society with unequal incomes, but the least advantaged should have more than sufficient resources – more than they would in any other social system compatible with equal basic liberty – to effectively exercise their basic liberties and pursue their ends" (Freeman 2007:61). The difference principle should also mean that when we are talking about division of labour, each person will have a choice available to him or her so that their work can be meaningful. No one should be "servilely dependent on others and made to choose between monotonous and routine occupations which are deadening to human thought and sensibility" (Rawls 1971:529). A social minimum is dependent on the public political culture, which in turn is dependent on how political society is conceived by its political conception of justice. Thus for Rawls, the appropriate minimum is politically rather than psychologically or biologically determined and is set out in the terms of justice as fairness (2001:132).

⁹⁴ Freeman points out that for Rawls, "the duty of assistance to burdened peoples, to meet their basic needs, is to be satisfied, like the just savings principle, before determining the distributive shares of the least advantaged in one's own society under the difference principle" (2006:248) (this is based on Rawls's statement in *A Theory of Justice* that the difference principle uses the savings principle as a constraint. In the same way, a nation must ensure that the welfare of other nations is attended to before applying the difference principle to their own society).

However, Rawls attributes the economic poverty of burdened society primarily to cultural and political factors and argues "that the main aim of the duty of assistance should be to help engineer change in these dimensions rather than to send material assistance in the form of foreign aid." He appears to underestimate the link between economic inequalities and inequalities of power. (Miller 2006:198 and 203).

2.6 Conclusion

With his theory of justice, Rawls attempts to develop a space where principles of justice acceptable to most, if not all, peoples can be founded and implemented and in so doing actively shape society. He accepts that people may not agree on what is just or unjust, or on the reasoning behind certain principles, but he expects people to agree on certain principles and therefore accept the institutions that uphold these principles to be just institutions.

Rawls places a lot of emphasis on how the community and society in which people live, engage and interact, influences the way in which they think. This is no different for the way in which they will think about justice, and what they will come to view as acceptable or unacceptable behaviour. Rawls's two principles of justice form the basis of the rest of his work; if any principle cannot be explained by these two principles, it is unjust. Equal liberty forms the cornerstone of justice with people having equal access to resources such as education, property and freedom. Inequalities are permitted only insofar as they protect the least vulnerable in the society. For Rawls, equality remains subordinate to liberty.

The primary social goods are rights and liberties, opportunities and powers, income and wealth (Rawls 1971:92). Justice as fairness seeks to ensure that every person has the equal liberty to pursue whatever plan of life they choose, as long as it does not violate what justice demands. People share primary goods on the principle that some can have more if they are acquired in ways which improve the situation of those who have less (Rawls 1971:94). Thus the notion of community and care of the neighbour is an important part of Rawls's work, even if he does not specifically mention it. According to him, fraternity, then, is a value which is instilled in society by certain rules and regulations which are put into

place by the institutions around which society is structured. The social responsibility of individuals is cultivated by a society which is just, and in turn the just actions of the individuals create a just society.

The principles of justice are formulated behind a veil of ignorance. There are no moral or personal reasons for choosing certain principles. Because the individuals are unaware of their own standing in society, they will choose principles which benefit everyone. The principles chosen would reflect the freedom which all individuals would desire in everyday life. Decisions would also be influenced by natural law – every individual has an idea of right and wrong without being taught.

The difference principle protects society from gross inequality. Wealth at the cost of others is not permitted. The only way in which it is justifiable for some members of society to be wealthier than others is when the less well-off benefit. I understand Rawls to include far more than only monetary wealth – health care, education, food and other basic resources must also be distributed equally in the society. It is unacceptable that there will be people who are struggling to live while others live in the lap of luxury.

The rationality of individuals is an important part of Rawls's theory. People will respect other people because of their ability to rationalise and participate in society. Rationality is also closely linked to the theory of the good. The good plans which people will have for their lives will always be influenced by the right – they will not choose to behave either in a way which infringes on the rights of others or in a way which rebels against the principles of justice. An important part of justice and equality is to ensure that each individual is equipped with the ability to make rational life decisions.

Justice cannot be removed from community. Rawls believes that who we are is shaped by the society in which we live, and this is where our concept of what is just is developed, starting with our parents. Our responsibility is not only to ourselves, but to the other members of our community. As rational people, Rawls expects that choices made by individuals to not be harmful in any way to others. In the same way, this care and respect extends beyond the present time to ensure that resources are protected for future generations.

Although not at all theologically motivated, I believe that Rawls's theory of justice can offer much to a theological discussion on justice. Care and respect of all people and the importance of community are certainly very relevant. Perhaps we can find here a starting point of translating Biblical values into a universal language which can be understood beyond the confines of the theological community. However, whenever we are talking about justice we are talking about it from a specific context, within a certain epoch. We cannot hope to address all the injustice in the world at all times.⁹⁵

The importance of justice in community cannot be ignored in Rawls's argument. Conversely, the role which community plays in justice also forms an important argument. When dealing with justice, it is impossible to separate justice from the community. And this community is made up of individuals, each one of whom needs to be given a space to develop as a person who is treated with respect and allowed a space to develop their

⁹⁵ "Die ‚wohlüberlegten Gerechtigkeitsvorstellungen‘, von denen Rawls ausgeht – so Joseph De Marco – sind in Wirklichkeit in hohem Maße von einer bestimmten historischen und gesellschaftlichen Situation sowie einem bestimmten Klassenstandpunkt geprägte Konzepte. Daran kann auch das Hin- und Hergehen zwischen diesen Urteilen und den Bedingungen der Vertragssituation, das das Überlegungsgleichgewicht kennzeichnet, nichts ändern, denn beide Pole sind in hohem Maße relative Standpunkte und bestätigen sich eher gegenseitig als daß sie sich in Frage stellen. Die Zeitlosigkeit der Rawlsschen Grundsätze wird deutlich widerlegt durch eine Analyse der dramatischen Unterschiede zwischen den verschiedenen Gerechtigkeitsvorstellungen in den einzelnen Epochen der Geschichte" (Bedford-Strohm 1993:235). This idea is based on the criticism of Joseph de Marco in *Responses to Rawls from the Political Left*

talents and dreams. In turn, each person has a responsibility to the community to act in a way which is just.

Rawls's theory does not exclude Christianity, and theology should not exclude those insights of his which are useful when entering a public discussion on justice in the political realm. Having some form of justice which appeals to people across nations and religions is of the utmost importance. Theology can take Rawls's ideas, and build on them, using a comprehensive doctrine to show why it is that we, as Christians, respect each individual. Rawls offers valuable insights into thinking constructively about justice, but it is necessary to move from the intellectual to the practical.

Rawls shows that it is possible for people from different backgrounds and beliefs to reach some sort of agreement about what is just. His priority of liberty and equality find many roots in Christian thinking – the freedom which people find in Christ, the respect which people deserve as created in the image of God and equality of all people, regardless of race, gender or status, before God. Theology must always assume a Biblical basis for justice, but finding a space to talk to those with other bases is also essential. Albeit with its own difficulties, Rawls creates just such a philosophical platform.

Chapter 3

Reinhold Niebuhr: Justice as love?

3.1 Introduction

Reinhold Niebuhr is considered to be one of the most influential theologians of the 20th century, particularly as theologian in the political realm. For Niebuhr, hope, faith and love form the foundation of a call to a continual struggle for justice and equality. He believed that our truth is never the truth and that our justice will never be perfect. Thus, it is necessary to always seek for a higher and more equal justice.

A brief introduction to Niebuhr, his theology and his published works lays the foundation for how his influence extended beyond academia into the political and social realm, and the various influences on his work, which remained intensely contextual in nature. He was motivated by the social and political world which surrounded him, and this is reflected in his theology.

The discussion then moves to Christian Realism, which is purported to have begun with Reinhold and H Richard Niebuhr. This view is important to understanding Niebuhr's work, which is neither pessimistic nor

optimistic. Understanding Niebuhr's view of human nature and human destiny are essential for understanding his view of justice. The finiteness of humanity finds hope in the cross; we are not destined to a hopeless existence but live knowing that our reality can be different.

Injustice is the result of human pride and sensuality, which is the specific sin which refuses to accept human finitude and tries to control human destiny. This results in an abuse of power and a denial of our dependence upon God. However, through religious community, and discovering love, the impossible possibility, as our highest aim, it is possible to become aware of our arrogance and to accept our finitude, taking responsibility for our actions and our part in reaching for a more equal justice.

The chapter closes with a brief discussion of how Niebuhr sees salvation as a call to responsibility. He practiced a theology which was intensely critical of various worldviews, and which remained critical of itself as well.

It is necessary to note that Niebuhr consistently spoke of "men," and "mankind." I have retained this use in direct quotations. It was not exclusive language for him, but should rather be viewed as a matter of semantics.¹ Elsewhere, however, I make use of more inclusive language and substitute "fraternity" for "brotherhood."

3.2 Biography

3.2.1 Biographical Information

Reinhold Niebuhr was born in Wright City, Missouri, USA. He was the elder son of German Evangelical pastor Gustav Niebuhr and his wife.

¹ Richard Fox writes about Niebuhr's use of the masculine: "Niebuhr was untroubled by the use of the generic 'man,' as he made clear in the titles of several of his books. He was aware of the possible slight to women. On a radio panel in 1939 about the threat to 'mankind' he prefaced his remarks with the warning that when he spoke of 'men' he meant to include women. He saw no alternative to the male generic noun and pronoun" (1985:x).

Reinhold followed in his father's footsteps and entered the ministry. He studied at Elmhurst College, Eden Theological Seminary and finally at Yale University. He was always exceedingly uncomfortable amongst his peers, feeling like a "mongrel among thoroughbreds."

After completing his MA in 1915, Niebuhr opted for "relevance rather than scholarship" and "he decided against pursuing an academic career and entered the active ministry" (Durkin 1989:2). After ordination he became a very popular pastor at a Bethel Evangelical Church in Detroit, Michigan, where he served for 13 years. During this time he gained a reputation as a powerful preacher, one which he never lost. "His sermons consistently combined priestly and prophetic postures: a priestly gospel of hope for coping with the everyday perplexities and tragedies of earthly life; a prophetic gospel of repentance for confronting personal sin and social evil" (Fox 1985:64).

During this time, the wisdom of the young pastor was already apparent in how he dealt with the day to day ministry in his parish. Although he sometimes spoke harshly of his parishioners (some of whom irritated him) and was extremely critical of other ministers, he was dedicated to the church and had from the start of his ministry a profound insight as to what the role of the church in society should be.² Alan Paton described him as "the wisest man [he] ever knew, with an understanding of human nature and of human society that no one has equalled in our century" (cited in Forrester 1997:219).

² "(U)pon leaving the parish in 1928, he wrote glowingly of the opportunities available to the minister; no other profession had as many opportunities to serve in different areas. He enumerated particularly the chance to influence the lives of children and young people, the opportunity to engage in significant social action, the challenges of race relations in a polyglot city, and the provision of a message of hope to men and women who needed guidance in finding goals worthy of devotion. He took up the task of helping people to separate hope from dreams so that religious faith would not perish with the shattering of illusions" (Stone 1992:24).

It is clear that Niebuhr's early theology was influenced by the harsh industrial reality he encountered in Detroit³ (he was very critical of Henry Ford, who installed the first moving assembly line the year before Niebuhr arrived in Detroit and while being lauded for his "Five Dollar Day" plan, was criticised by Niebuhr for the harsh conditions under which workers suffered), the First World War and the onset of the worldwide depression.⁴ His theological reflections during his time in Detroit were concerned with how human nature and human destiny are impacted by their inherent involvement in history. This was the line of thinking which remained characteristic of Niebuhr throughout his life. In the introduction to *Reinhold Niebuhr, Theologian of Public Life*, Rasmussen describes Niebuhr's theology as follows:

Niebuhr's attention was not to the Godhead itself (he didn't write about the Trinity, for example). His attention was to the relation of this God to the self and to history, to what the relationship means for human possibilities and how it sets the direction for relevant public action. (For Niebuhr, 'relevant public action' meant action creative of a progressive justice in the moment history now presents us) (1989:5).

³ His reflections of his time as a pastor can be found in *Leaves from the Notebook of a Tamed Cynic*. During his years in ministry he continually grappled with the influence of the ever-changing technology on the working people. It is in this book that the social conscience which would later influence so much of his theological thought becomes apparent, and brilliant insights (of an albeit young pastor) show the clarity with which he saw the world around him. He is often critical of the treatment of workers at the factory of Henry Ford: "We went through one of the big automobile factories to-day. . . . The foundry interested me particularly. The heat was terrific. The men seemed weary. Here manual labour is drudgery and toil is slavery. The men cannot possibly find any satisfaction in their work. They simply work to make a living. Their sweat and their dull pain are part of the price paid for the fine cars we all run. And most of us run the cars without knowing what price is being paid for them. . . . We are all responsible. We all want the things which the factory produces and none of us is sensitive enough to care how much in human values the efficiency of the modern factory costs" (1929:79-80).

⁴ Rasmussen describes "the Detroit experience" as follows: "On the anvil of harsh industrial reality in Detroit, the trauma of the First World War, and the onset of the worldwide Depression Niebuhr tested he alternatives he would find wanting – religious and secular liberalism and Marxism – even when he remained a sobered and reformed liberal and a socialist... Detroit kindled the Christian indignation that would always fire Niebuhr, as well as the restless quest to theologically illumine the events of the day and thereby render them meaningful" (1989:7). In *Moral Man and Immoral Society* we see how great Niebuhr believed the influence of the industrial era to be: "The moral cynicisms, the equalitarian idealism, the rebellious heroism, the anti-nationalism and internationalism, and the exaltations of their class as the community of significant loyalty, all these characteristic moral attitudes of the modern working classes are the products of the industrial era" (Niebuhr 1932:142).

In 1928 Niebuhr became a professor of Practical Theology at Union Theological Seminary in New York. Niebuhr remained at Union Seminary until his retirement in 1960. During this time he produced hundreds of articles, edited various journals, published a few full-length books, continued preaching on a regular basis and became increasingly politically involved. Ronald Stone describes Niebuhr as being defined by his work at Union Seminary:

Offers came from Harvard, Yale and elsewhere to move him from Union Theological Seminary, but he stayed and, from September through May for thirty-two years, taught Protestant social ethics. This was his vocation. It was his life project (1992:xii).

In 1931 he married Ursula Keppel-Compton, who later became the professor of religion at Barnard College in New York City. She was invaluable to Niebuhr's work throughout his career, particularly in the later years after he suffered his first stroke in 1952. After Niebuhr's death, Ursula compiled a book of his essays, sermons and letters. In the introduction to *Man's Nature and His Communities*, Niebuhr admits that it would be hard to separate Ursula's thought from his own and attributes much of his wisdom to her influence.⁵

Niebuhr continued lecturing and publishing after his stroke, although his public appearances became significantly fewer as the years went by. He was greatly troubled about not being able to keep up the same hectic schedule as previously. After their retirement to Stockbridge, Massachusetts, Reinhold Niebuhr died on 1 June 1971 at the age of 78.

⁵ "Writing these lines in my old age and being conscious of the spiritual and intellectual debt I owe my wife, not to speak of more precious debts incurred in decades of happy marriage, I must close this autobiographical introduction with a confession. I do not know how much Ursula is responsible for modifying my various forms of provincialism and homiletical polemics. But I know she is responsible for much of my present viewpoint and that it would be difficult for either of us to mark any opinion expressed in these pages as the unique outlook of one or the other. ... I know my wife is the more diligent student of biblical literature and of the relation of psychology to literature and social dynamics. ... I will not elaborate an already too intimate, autobiographical detail of a happy marriage except to say that this volume is published under my name, and the joint authorship is not acknowledged except in this confession. I will leave the reader to judge whether male arrogance or complete mutuality is the cause of this solution" (Niebuhr 1965:28-29).

3.2.2 Niebuhr's Theology

Niebuhr's theology was prompted by the political and social circumstances which surrounded him. The first and second world wars, the industrial situation, the Russian political movements and the Cold War and the rise and fall of fascism and his own support and later rejection of Marxism are only a few of the external influences on his theological thought. The political events which inspired him are strange to us today and there are many political and ethical dilemmas which we face that he never touched upon. But despite this, he did generalize some of his theory, and it is possible to intimate what he may have to say (Wightman Fox 1989:1-2).⁶

Niebuhr believed, as is reflected throughout his theology, that a prophetic religion combines an utmost seriousness about history with a transcendent norm. His entire life's work was centred around his view of Christian realism. It never permitted history to be ignored, nor did it seek to escape from it; yet it did not find its ultimate goals or standards within history (Lebacqz 1986:83). Niebuhr's theology is an attempt to live out a reality in today's world of how things are supposed to be and will one day be; thus imperfect history merges with a striving for the perfect outcome which will one day be completed, but not by human endeavour. Niebuhr said that

Nothing that is worth doing can be achieved in a lifetime; therefore we must be saved by hope. Nothing which is true or beautiful or good makes complete sense in any immediate context of history; therefore we must be saved by faith. Nothing we do, however

⁶ "It is not so easy to imagine Reinhold in our midst. The social basis for the touring liberal preacher has disappeared. His special forums – the college-chapel circuit, summer assemblies of liberal Christian students, conventions of liberal political and labor cadres – have shrunk in significance. Moreover, he is indelibly associated with certain pivotal events of the middle third of the twentieth century. ... Niebuhr was the product of, and a producer of, a world we have in important respects left behind. His specific social and political stances emerged as parts of an integral response to his world. We cannot tell what he would have thought about abortion, or Star Wars, or the women's movement in the 1980s. ... Of course, much of what Niebuhr said, wrote, and did can be appropriated for our time. He did generalize from his experience, and even when he did not generalize from it, we can do so in retrospect" (Wightman Fox 1989:1-2).

virtuous, can be accomplished alone. Therefore we are saved by love (1974:1).

Hope, faith and love form the foundation of a call to a continual struggle for justice and equality.

Niebuhr never referred to himself as a theologian, despite being regarded by his contemporaries (and since) as one of the greatest and most influential theologians of the twentieth century. He preferred to refer to himself as a “teacher of social ethics” (1956:3). He was in constant dialogue with the political and social world. At various point in his career he was a Christian Socialist, a pacifist, an advocate of U.S. intervention in World War II, a staunch anticommunist, an architect of cold war liberalism and a critic of the Vietnam War.⁷ Throughout his work he drew heavily on theology, church history and biblical studies, but a lot of his work referred to political theory, philosophy, social science and law.⁸ Often the theological was eclipsed by the political and sociological thought in his writing, although the theological influence clearly always

⁷ See the introduction to *The Irony of American History* by Andrew Bacevich, p. X

Niebuhr was influenced by many traditions, not all of them Christian. This is probably partly because he was “not merely and not primarily a systematic theologian, he is rather, and first of all, an ethical teacher, a religious political, and most of all a prophetic preacher. The historical roots of this thought are therefore widespread. They embrace not less than the whole tradition of western civilization. ... All theological doctrines from that of the apostle Paul to those of Schleiermacher and Ritschl may be called the roots of his thought; but he is also tinged or even formed by the main political and social, scientific and literary upheavals and revolutions” (Kroner 1956:178).

⁸ Rather than offer a Christian apologetic, he would criticize other social theories and note their shortcomings. “This is the heart of his apologetic: he does not prove this vertical dimension or the relatedness to God which it implies. Rather he seeks to persuade us that we cannot make either human nature or history intelligible without that dimension, that other viewpoints contradict either themselves or the facts, and that a Biblical understanding rightly interprets the common but otherwise incoherent facts of experience” (Gilkey 2001b:80).

Brown sees Niebuhr’s influences as being twofold: On the one hand, he made use of his particular Christian faith and drew particularly on “the Hebrew prophets, Jesus, Paul, the Reformers, and Kierkegaard” and on the other hand he made use of the tools he acquired throughout his life in social science, political philosophy and history (1986:xiii).

Wightman Fox describes Niebuhr’s theology, which he calls “public theology,” as “a paradoxical mix of secular and religious conviction. On one level it was firmly, zealously secular... But Niebuhr’s public theology was also deeply religious –in two senses. First, his vision of the secular world as a field of colliding, self-interested units flowed out of his biblical understanding of human nature. ... Second, his vision was religious in that he believed that the secular world could not simply be left to itself: it had to be judged, challenged by the biblical commitment to justice” (1989:14).

undergirds his thought and the influence of Augustine on his work is unmistakable.⁹

Lovin describes Niebuhr's theological contribution as showing "how closely [this] pragmatic theological realism could be related to other moral discourses and to illuminate the specific difference that it makes to affirm that God is the center of meaning in a morally coherent universe" (1995:33). It is possibly this that led to the dialectical nature of Niebuhr's theology (for example, he describes love as an "impossible possibility" numerous times throughout his work).¹⁰ The opening lines of the second volume of *The Nature and Destiny of Man* are, "Man is, and yet is not, involved in the flux of nature and time."

Despite many criticisms of his work and particularly his lack of a specific systematic theology, Niebuhr is undeniably one of the most influential pastors of the previous century. Gilkey describes Niebuhr's theology as a "political theology:"

That is to say, *it is a theology concerned above all with the social existence of human beings and with the health and disease of that existence*. It has, to be sure, individualistic, existential, and personal elements at its very center. Nevertheless *the abiding focus, from beginning to end, is on society, history, and politics* rather than on the inner, private, individual consciousness... Niebuhr's theology is, therefore, in many ways exceptional. He is an existentialist for whom social rather than individual issues are primary. And *he is a political theologian for whom the transcendent God is above us in the present, as in the past and the future*, rather than, as with the eschatological political theologians, the God solely of the future (2001:20-21 my italics).

⁹ Stone writes of Niebuhr's passion for Augustine: "On hearing Niebuhr's lecture on Augustine, the students knew he was at home. Augustine provided Niebuhr with more than did other thinkers. Some of what Augustine provided, Niebuhr had learned first from Paul, Luther, and his Lutheran-Calvinist church. Distinctive elements in Augustine in which Niebuhr participated were the conjoining of philosophy and biblical faith, the centrality of love in ethics, the need for a socially responsible ethic, a tendency to write and speak in a dialectic fashion, the setting of ethics in historical terms, a search for world history, and a Christian realism. Niebuhr saw Augustine as the first Christian realist" (Stone 1992:67-68).

¹⁰ This is discussed more fully in the introduction by Brown to *The Essential Reinhold Niebuhr* p. xvi ff.

His contribution to politics, economic and social thought as well as, of course, theology, cannot be underestimated. This was an important part of his life, one which he thoroughly enjoyed:

Niebuhr was a public intellectual and enjoyed it, an activist-scholar held in high respect in his culture who nonetheless cultivated a stand of sharp, independent criticism. He was, in fact, a prophet heard in the king's chapel and the king's court, chastising the certitudes of a confident culture and exposing its fault lines with rhetorical power and the sheer force of his personality (Rasmussen 1989:1).

In his doctoral thesis on Niebuhr's understanding of human destiny in relation to the doctrine of the atonement Stephen De Gruchy, a South African theologian, made use of David Tracy's idea that each theologian addresses three social realities. De Gruchy relates Niebuhr to three distinct publics, namely the church, the academy and the wider society (1992:11ff). Niebuhr remained active in the church throughout his life, preaching regularly even after he left full-time ministry for academic life. The majority of the students he taught were preparing for life in the ministry, a fact of which he was conscious in his teaching. As well as being a renowned pastor, he was also a well-respected academic and had an undeniable influence on North American theology. But his theology was not only limited to academia. He was in constant dialogue with broader society. He was not only involved in speaking and lecturing about political and sociological issues, he was involved in numerous organisations and societies in the public sphere, social welfare groups and held positions in political organisations. Dennis McCann describes Niebuhr's theology as being shaped by his historical consciousness and the "signs of the times":

The origin of Niebuhr's distinctive religious vision and its role in shaping Christian realism forms the theological dimension of his experience. *His reflections as a practical theologian ... stemmed from his historical consciousness of the problem of being a modern Christian in a modern world.* Given his sense of history, *theology for Niebuhr is meant to interpret the "signs of the times."* In other words, theology seeks to discover what God is allowing us – the individual believer, the community of faith, the community of all

persons – to be and to do in this particular historical moment (2001:19 my italics).

Niebuhr did not ask “What is true,” nor did not attempt to systematise his theology or expound upon church doctrine. Rather, he dedicated his life and his work, both as pastor and theologian, to answering the question, “How shall I live my life” (De Gruchy 1992:21). Paul Tillich rather negatively describes Niebuhr’s thought as having no epistemology:

Niebuhr does not ask, “How can I know?” he starts knowing. And he does not ask afterward, “How could I know?” but leaves the convincing power of his thought without epistemological support (1956:36).

And his answer to this question is that we should live responsibly. His theology always remained in service to his ethics and he arrived at his “interpretation and use of crucial Christian myths and doctrines through his polemics against other uses of them by assessing the moral and social consequences of other views” (Gustafson 1986:37).¹¹ Although he appears to develop much of his theology from observation of human life and

¹¹ See Gilkey’s discussion of the relationship between Niebuhr’s theology and social theory in *On Niebuhr: Theological Study*. Gilkey sees an intimate relationship between Niebuhr’s social theology, political ethics and high theology as coming to a fore in his discussion of powerlessness. For Niebuhr, it is only God who can provide meaning for life and it is the role of faith to recognize this.

To briefly summarize: “This intimate relation in Niebuhr between social theology, political ethics, and ‘high theology’ (Atonement and Christology) is nowhere more evident than in Niebuhr’s discussion of ‘powerlessness’, the powerlessness and so the ultimate vulnerability of Jesus as the Christ. Here the agape of God, which represented the pinnacle of the divine transcendence and mystery, becomes in historical enactment the apparent opposite of transcendence, its paradoxical partner, powerlessness and vulnerability. In the divine love the ultimately unconditioned becomes the absolutely conditioned. And *this paradox of unconditioned majesty and radically conditioned vulnerability, of ultimate power and absolute powerlessness, is for Niebuhr the center of the Christian gospel and of the Biblical message...*

We should not miss *the strong antihumanist thrust of Niebuhr’s thought*: if humans take their own salvation as the fulfillment of meaning in their life into their own hands, the inevitable result is idolatry, pride, and destruction on the one hand or despair and enervation on the other. *Only God can provide a sufficient and creative meaning for life; this is the meaning of Christ and of grace. And it is precisely the role of faith to recognize and assent to this...* As a consequence it cannot possibly be understood – as many have sought to do – as primarily brilliant social commentary with the pious icing, so to speak, of theological or Biblical rhetoric. Such an interpretation is clearly untrue to Niebuhr’s texts; but even more, it completely falsifies what he wished to say in every line he wrote. Without God – and God’s judgment and mercy – there are only the possibilities of idolatry and destruction or despair and enervation; without God, therefore, there is hope of neither meaning nor renewal in life or in history. Without God – and the agape of Christ – mutual love, descending rapidly into the self-interested calculation of survival, remains our only ‘norm’ and the secure establishment of the self and its community our only moral ideal” (2001:186-188 my italics).

history (mostly in critical dialogue with other traditions, even various Christian traditions), the Biblical basis is never far from his work (although it may often be more implicit rather than explicit).¹² He at times goes so far as criticize the Biblical view with Paul often bearing the brunt of his sharp tongue, and in a few places even the teachings of Jesus are shown to be lacking.

He was extremely critical of the likes of Billy Graham, because he felt that the type of Christianity popularised by him is not much help in dealing with political crises; teaching people to be good would not lead to peace and justice.¹³ The prophetic tradition of the Christian faith meant a passion for love and for justice, the continual search for a higher and a better justice which would continually be practiced in wider borders amongst more people. Love would always be the plumb line by which

¹² Niebuhr often had an original way of interpreting and integrating Biblical texts; he never discarded the Bible for reason. "Niebuhr has, in one sense, and perhaps to his own surprise, a very high view of biblical revelation. He does not simply discard the reported teaching of Jesus where they are inconvenient, or deny awkward doctrines, developed from biblical interpretation, of Original Sin and the Second Coming of Christ. On the contrary, *he accepts them as providing insights unperceived by reasoning alone*. Even though his overt appeal is to the nature of human experience and its analysis, he in practice accepts a set of concepts derived from biblical tradition to analyse experience, and does not drop them when they seem difficult at first. Even though his overt appeal is to the nature of human experience and its analysis, he in practice accepts a set of concepts derived from biblical tradition to analyse experience, and does not drop them when they seem difficult at first. He gives to these biblical concepts, however, a powerful and original interpretation, *taking religious symbols to be expressions of the relation of the historical to the eternal*, applicable to every historical moment in the life of man. It is clear that reason still serves a vital double role in religion" (Ward 1986:77 my italics).

There are many critics who accuse Niebuhr of subjecting theology to ethics, but Gilkey makes a convincing argument that this is not so. "Despite Niebuhr's passion for social ethics, *the ethical is for Niebuhr subordinate to the religious*; the second commandment to love our neighbour in effect becomes a function of the first commandment to worship God alone. As sin represents a break in the relation to God, so faith represents the reestablishment of that crucial relation – and it is sin that brings about the evil actions of history just as faith and grace determine its possibilities of moral renewal. The religious relation to God is hence no longer an expression of the human quest for the good and so of the goodness and idealism of human being, as it was in much of liberalism. On the contrary, the quest for God can only be infinitely frustrated until the actual religious relation to God is rectified – and that becomes possible only through God's initiative, through revelation and through grace (Gilkey 2001:25 my italics).

¹³ "Billy Graham thinks that the problem of atomic warfare could be solved if one could convert "bad" people to become "good" so that they would not use atomic weapons. But he cannot have anything to say to good people who are increasingly concerned about the undue reliance of our nation upon nuclear weapons but who do not find it possible to be responsible for the security of our civilization and simply renounce nuclear weapons" (*Christianity in Crisis*, Vol. 26 no. 3, 1956. Cited in: de Gruchy 1992:22).

justice would be measured and even though it could not be attained in history, it would always remain relevant – it would force justice and ethics to always be more just and more ethical (Stone 1992:106). From his time in Detroit as a pastor, Niebuhr spent his life calling people to be ethically responsible. He preached sermons, wrote books and articles and addressed the public convinced of the fact that people could take action and be responsible because he firmly believed that this could and would make a difference, despite his belief that history could not be changed.¹⁴ He believed that Christian thought in particular had much to offer politics.¹⁵

He in no way wanted to fuse politics and religion but he certainly believed that a specific Christian view and Christian Realism in particular, offered hope to a society which was in danger of becoming hopeless and that a Christian input into the political sphere was imperative. Niebuhr was always involved with the relevant political and social issues of his day, and, when necessary, changed his opinion accordingly.¹⁶ He was probably

¹⁴ See the following discussion on his critique of other worldviews as the denial of history and the worship of history in §4.

¹⁵ Niebuhr clearly appreciated the relevance of Christianity and the Bible and saw faith as a call to involvement in the political and social world – accepting neither political religions nor otherworldliness. “If I believe that the Christian understanding of man could help solve some of these crucial issues and could conserve the best achievements of liberalism better than traditional liberalism can conserve them, I do not for that reason wish merely to hitch Christian faith to this or that political task. Christianity faces ultimate issues of life which transience all political vicissitudes of achievements. But the answer which Christian faith gives to man’s ultimate perplexities and the hope which it makes possible in the very abyss of his despair, also throw light upon the immediate historical issues which he faces. Christianity is not a flight into eternity from the tasks and decisions of history. It is rather the power and wisdom of God which makes decisions in history possible and which points to proximate goals in history which are usually obscured either by optimistic illusions or by the despair which followed upon the dissipation of these illusions. Christianity must therefore wage constant war, on the one hand against political religions which imagine some proximate goal and some conditioned good as man’s final good, and on the other against an otherworldliness which by contrast gives these political religions a seeming validity” (Reinhold Niebuhr, ‘Ten Years That Shook My World,’ *The Christian Century*, Vol. 56, No. 17, April 26, 1939 p. 545, quoted in Rasmussen 1989:18).

¹⁶ Durkin notes the historical influences on Niebuhr’s thought: “By the end of the 1930’s four historical facts influenced the future direction of Niebuhr’s thought. The threatened judgement on the capitalist system was not to be executed by Communism; Stalin had transformed the dictatorship of the proletariat into a tyranny; the Socialist Party in America was hopeless isolationist, and the New Deal was having a measure of success in dealing with severest crisis which capitalism had experienced.

Niebuhr responded to these facts by recommending full support to the Allied war effort even though it meant saving the capitalist system; resigning from the Socialist Party; and supporting a third term for Roosevelt, and eventually working for the Roosevelt administration” (Durkin 1989:95).

one of the most influential theologians in the twentieth century when it came to politicians and policy-makers. There was even a group of foreign policy-makers and theorists who were dubbed 'Atheists for Niebuhr' (Forrester 1997:215).

Niebuhr's theological reflections on justice cannot be examined apart from his view of human history and human involvement in history (or human destiny), as is probably made most clear in the two volumes of *The Nature and Destiny of Man*. He was critical of many other worldviews including the classical Greek view, the rationalistic view, Romanticism, the Renaissance, Naturalism and communistic Marxism. This critique was mostly used to justify his own perspective by contrasting it with a worldview he felt inadequate. He has often been criticized for his lack of historical accuracy, but he never intended his critique to be used as a record of these views, they rather served the purpose of establishing his own view in opposition to them. De Gruchy suggests that "one reads Niebuhr's arguments about a worldview not so much to gain a sympathetic interpretation of that particular worldview, but rather to gain a deeper understanding of Niebuhr's own thinking" (1992:50).

Niebuhr was always involved with the question of justice. However, he never developed a theory of justice, as such.¹⁷ For all his shortcomings and his lack of systematising his theology properly, he definitely has left behind a legacy upon which his students and their students have built.

Given a more positive understanding of the resurrection of Jesus, a deeper awareness of biblical exegesis, and a careful examination of

Ronald Stone suggests that it is impossible to understand Niebuhr correctly without studying the development of his thought in a chronological manner: "Too often the chronological development of his thought has not been taken seriously enough. Niebuhr's thought altered significantly though more than half a century of writing, and no interpretation of his thought can neglect the chronology and remain accurate (Stone 1992:8).

This study is not a chronological study of the development of love and justice in Niebuhr's thought, but rather seeks to establish the link between love and justice and ultimately responsibility.

¹⁷ Emil Brunner criticizes Niebuhr of never working out a definition of justice: "[Niebuhr] has never worked out a clear concept of justice whereby the difference between the demands of justice and those of the supreme ethical norm of love might be understood" (1956:30).

the disciplines of the social sciences, it is possible to build on the theological foundation laid by Reinhold Niebuhr (Durkin 1989:192).

Niebuhr's insights into justice were and are still profound. He always remained extremely contextual in his work, responding to social challenges rather than providing a grand theory. And it is possibly this that has contributed to the timelessness of his work; the very fact that it is so historically based. It does not provide a theory of justice applicable only in an unrealistic utopia, but it is grounded in reality and the experiences of the current social systems where it strives towards rectifying the injustices by making institutions and policies more just. This being said, it always bears in mind the eschatological hope, in which all things will be made perfect.

For Niebuhr, the struggle for justice is as profound a revelation of the possibilities and limits of historical existence as is the quest for truth (1989:174). The boundaries in which justice is sought are being continually extended as global cooperation and dependence increases. Perfect justice would be a state of solidarity with no conflict of interests, but because people are a combination of vitality and reason, the social coherence of life can never be based on pure rationality (Niebuhr 1989:174). The result of this is that *our* truth is never *the* truth; we are always subjective and prejudiced. There can be no universal rational standards of justice or neutrality in a social struggle. It is not only a matter of distribution that is important when speaking about justice, but it is also a question of the proper order and balance of power (Lebacqz 1986:89) The centres of power are found in the political and economic spheres. When talking about justice, Niebuhr maintains that sinful people will never voluntarily give up their power and self-interest; much more so for groups or nations. For this reason, he believes that the struggle for justice will always be a struggle in the face of human sin and pride.¹⁸

¹⁸ It is this sense of never-ending struggle which characterizes Niebuhr's theology. His study of human history and human nature, his continuous search for a higher justice and a more equal justice

Nevertheless, the justice which has been achieved in society proves that people are not always only self-interested, even though injustice always remains a threat. People are able to synthesize opposing ideas and reach a solution which is tolerably just, which proves that they are capable of considering interests other than their own (Niebuhr 1943:249). Even without coercive force, people are capable of living together reasonably peacefully and can find a meeting point between opposing interests. It is necessary to find a balance between debilitating cynicism and idealistic utopia.

Because of the social nature of humanity love is the primary law of nature and fraternity the fundamental requirement of social existence (Niebuhr 1943:244). However, this perfection is unattainable because of the sinfulness of human nature and so justice remains a continual striving towards a state of perfect love and fraternity, but it will always lack the perfection of love; there will always be elements of love missing from justice. Niebuhr describes this as the dialectical nature between love and justice (1943:246). So while justice is, and must be, ever improved, it must also always remain aware of its own imperfections and shortcomings in relation to the perfection towards which it strives.

It would be inappropriate to speak of Niebuhr's theology without mentioning his view of feminism and the critique offered by feminist scholars. He never specifically campaigned for women but every now and again his work is littered with references to women. *The Children of Light and the Children of Darkness* offers one of few exceptions, where Niebuhr

and all of his political writings are coloured by his sense of realism and the hope which springs from the Christian faith. "There is, Niebuhr concludes, no final answer to the problem of justice. Some political systems are better than others, and pragmatic choices must be made between them. Relative achievements of more justice, more equality, and more peace are, therefore, possible, if one's commitments are firm and one's policies tentative. History is always open to such relative progress, and it is this for which we should work. Catastrophe, however, is always possible, and every balance of power is a potential chaos. Thus we need an unflinching realism about our social world and especially about our own ambiguity within that world, an undiscouraged concern for more justice and a permanent (and so transcendent) principle of criticism and of hope" (Gilkey 2001b:49).

directly addresses the issue of feminism.¹⁹ His conceptions of sin and grace have been particularly problematic with regard to feminine perspectives and have borne the brunt of feminist criticism.²⁰ Despite this, his acknowledgement of Ursula Niebuhr's influence and indispensability to his work as well as her standing in society is perhaps testament to the choices he believed women had a right to make.

With regard to religious pluralism, Niebuhr does not have much to say, although he makes the occasional reference to Jewish scholars and rabbis, and often draws comparisons between Christian and Protestant lines of thought.²¹ In the introduction to *Man's Nature and His Communities* he writes about his "increasing devotion to the principles of religious

¹⁹ "The truth in modern feminism came into history with some help from the errors of an inorganic and libertarian conception of the family and of an abstract rationalism which defied the facts of nature. The mother is biologically more intimately related to the child than the father. This fact limits vocational freedom of women; for it makes motherhood a more exclusive vocation than fatherhood, which is indeed no more than an avocation. The wider rights of women have been achieved in the modern period, partly by defying this limitation which nature places upon womanhood. But it is also a fact that human personality rises in indeterminate freedom over biological function. The right of women to explore and develop their capacities beyond their family function was unduly restricted in all previous societies. It was finally acknowledged in our society, partly because the bourgeois community had lost some of its appreciation of the organic integrity of the family. Had this error been prematurely suppressed, the new freedom of women would also have been suppressed. It must be added that the wisdom of the past which recognized the hazard to family life in the freedom of women, was not devoid of the taint of male "ideology." The male oligarchy used fixed principles of natural law to preserve its privileges and powers against a new emergent in history" (Niebuhr 1944:76-77).

²⁰ Judith Plaskow offers an insightful critique of how women's experience can flesh-out Niebuhr's theology. She suggests that he should have made use of his own critique of dominant relations in his theology. "Again and again in the course of this writings, Niebuhr reminds us that there are infinite possibilities for realizing the norm of love in all personal and social relations, and that the contradictions which hound every step in love's direction must never become excuses for inaction. He devotes whole books to this theme and dozens of articles. His application of the quest for justice to the situation of women is sometimes ambivalent, but in his article on the ordination of women, in his response to Karl Barth, and in numerous scattered references throughout his thought, he demonstrates his awareness of women's situation. If he argues that 'a rationalistic feminism is undoubtedly inclined to transgress inexorable bounds set by nature,' he also acknowledges that the effort to define these bounds will inevitably result in the incorporation of male arrogance into the standard. 'The sinfulness of man makes it inevitable that a dominant class, group, and sex should seek to define a relationship, which guarantees its dominance, as permanently normative.' Surely this lesson must be applied to his theology as well" (1980:93-94).

²¹ Niebuhr himself admits that he was long appreciative of Jewish thought: "My appreciation of the Jewish capacity for civic virtue and social justice was not a belated, but an early, insight. It was prompted partly by my experience with Jewish idealists in the political movements, left of center, in which I was engaged" (1965:17). He goes on to speak of the Catholic Church: "My increasing admiration for the Catholic faith had the same socially pragmatic prompting. Catholics, unlike many Protestants, never had any doubt about the social substance of human existence" (1965:19).

pluralism” and that non-believers should have the right to “convict the believers when faith is not fruitful of justice” (1965:27).

3.2.3 Niebuhr’s Works

Niebuhr’s first book, published in 1927, *Does Civilization Need Religion? A study in the Social Resources and Limitation of Religion in Modern Life*, was a direct outgrowth of his experiences in Detroit. This was followed by *Leaves from the Notebook of a Tamed Cynic* (1929), which is a collection of journal entries from his years as pastor rather than a theological work. Despite not being an academic work it does, however, contain many elements of the ideas which he expanded in his later works and is an early affirmation of an exceedingly sharp and critical mind.

Moral Man and Immoral Society (1932) and *Reflections at the end of an Era* (1934) are far more political than they are sociological.²² Here too, it is clear that he is not yet overly critical of Marxism and sees this philosophy as offering much from which Western society could benefit, certainly far more than what capitalism could ever hope to achieve in establishing a just society.²³ He criticises Protestantism for its lack of understanding of the human situation and he encourages a realistic view of both human life and politics. For Niebuhr, “a political morality is required and it must combine the insights of the political realist who accepts the necessity of coercion, and the moral idealist who wants to extend social intelligence and increase moral goodwill” (Durkin 1989:54).

²² Niebuhr here is clearly a political theologian – if we can call him in these writings a ‘theologian’ at all! His only concern is the political (or social) life of humans and how that life can be made more just. His interest in social theories, philosophy or religion is clearly subordinate to that central concern (Gilkey 1986:158).

²³ Niebuhr always remained critical of capitalism and in his later years was very critical of Marxism (this was particularly after communism made its failings, and potential failings, apparent.) This said, however, Durkin argues that “Niebuhr did not reject Marxism; he never really embraced it in the first instance. The most that can be said is that for a time he held the view that the social ownership of the means of production was more conducive to social justice than to continue its private ownership (1989:188).

In *An Interpretation of Christian Ethics* (1935) Niebuhr returned “to the central ethical framework of *Moral Man* asking about the moral responsibility of Christians in the face of injustice” (Fox 1985:164) leaving behind the detachment which characterised *Reflection at the End of an Era*.

Two years later he published *Beyond Tragedy* (1937), a collection of sermons, which attempted to show that “Christianity went beyond a merely tragic vision of human life” (Fox 1985:182). In the preface, Niebuhr states that “Christianity’s view of history is tragic insofar as it recognizes evil as an inevitable concomitant of even the highest spiritual enterprises. It is beyond tragedy insofar as it does not regard evil as inherent in existence itself but as finally under the dominion of a good God.”

The most systemised collection of Niebuhr’s thought is without a doubt the two volumes of *The Nature and Destiny of Man* (1941 and 1943), published after the Gifford lectures in Edinburgh. Here he employed a theological anthropology to explain history and human nature and it is his first attempt at some sort of systematization of his theology, although it is most certainly not systematic theology. He never really developed a systematic theology, and it was probably never his intention to do so, since he was primarily an ethicist.²⁴ But it becomes clear in his work that the crux of the issue is humanity’s relatedness to God, and it is this fact which is sorely missing from secular theories.²⁵ It is here that the link between his anthropology and soteriology emerges.

²⁴ Reinhold Niebuhr’s interests were primarily in the arena of morality and politics in contrast to systematic theology. ... One finds almost no developed systematic attention, for example, to the Trinity or to salvation of individuals and of the world as one does in the thought of most historic Christian theologians (Gustafson 1986:30).

²⁵ The key point of Niebuhr’s understanding, the point to which this whole analysis has inevitably (though not necessarily) led, is that it is the relatedness to God of this self-transcendent creature that is crucial to the goodness or the health of the human being. And while both creatureliness and self-transcendence are available to ordinary understanding – and illustrated in every philosophical account of human existence – the relatedness of self-transcendence to God is not so easily discernible. It is, therefore, in ignoring this dimension that secular views fail and end in one-sidedness, in confusion and contradiction, and above all in obscuring the facts of ordinary experience (Gilkey 2001b:96).

In 1944, Niebuhr published *The Children of Light and the Children of Darkness*. He was very complacent about the “democratic processes in advanced industrial society.” Fox intimates that “had the younger Niebuhr reviewed *The Children of Light* he would have scoffed at its confidence in justice through adjustment, its belief that the debates of the “open society” operated equally in the interests of all” (1985:220)

The theology from *The Nature and Destiny of Man* is further developed in *Faith and History* (1949) although the interpretation here is based very much on Niebuhr’s experiences during and immediately after WW II and the changes in society which were taking place. This was closely followed by *The Irony of American History* (1952) and *Christian Realism and Political Problems* published the following year.

Niebuhr then began work on what he called his *magnum opus*. *The Self and the Dramas of History* (1955) is a comprehensive statement of Niebuhr’s theological method and purpose. It is an attempt to systematize his approach to theology” (Durkin 1989:164).

The one constant feature of Niebuhr’s work is the theme that all knowledge must be situated ultimately in an ultra-rational framework. As his work developed he insisted that the primary myths of biblical religion, the creation, the fall, the atonement, and the Parousia, provided the substance for this ultra-rational framework (Durkin 1989:175).

In one of his last works, *Man’s Nature and His Communities: Essays on the Dynamics and Enigmas of Man’s Personal and Social Existence* (1965), Niebuhr thanks his wife for the important influence she has had for his work. This book is an attempt to summarise his theology and to show how his thought had changed with regard to some important matters over the years.

Although Niebuhr’s work may be criticised for a lack of systematic theology, and although he may not have left behind answers which are

pertinent to current social problems, he without doubt left behind a lasting legacy in his dynamic thoughts and social involvement.²⁶

3.3 Background to Niebuhr's Christian Realism

[A] free society prospers best in a cultural, religious and moral atmosphere which encourages neither a too pessimistic nor a too optimistic view of human nature (Niebuhr 1944).

“Religious realism” or a “realistic theology” originated amongst a small group with ties to Yale Divinity School including both Richard and Reinhold Niebuhr (Lovin 1996:xii).²⁷ This realism recognised the self-interest of all individuals in society, thus rejecting the idealistic theories of liberalism and the social gospel.²⁸ It perceived liberalism's greatest faults to be sentimentality and optimism (Williams 1956:199). Although, this being said, Niebuhr was strongly influenced by both liberalism and a Protestant (in particular, Lutheran) background.²⁹ While the regulative

²⁶ Niebuhr is often criticised for not developing a proper theology, included in this his ecclesiology and Christology. He is also criticised for misunderstanding the relationship between the Christian community and society. Niebuhr's concept of sin has drawn much criticism, here also from feminist scholars. Niebuhr is criticised for his white, male perspective and not seeing the world through the eyes of the oppressed. For discussion of these criticisms, see the recently published *Reinhold Niebuhr and Contemporary Politics: God and Power*. Harries R. and Platten S. (eds).

²⁷ Niebuhr gave the name “Christian realism” to his specific approach to theology. “[It] being with the obstacles to faith and charts its course by identifying the inadequate and mistaken views it must reject or move beyond. This negative, dialectical method set Niebuhr in opposition to much of the received wisdom of his time, yet he came to represent active, living Christian faith for many of his contemporaries, both in the church and in the worlds of politics and diplomacy” (Lovin 2007:ix-x).

²⁸ Niebuhr was always strongly critical of the social gospel: “The Social Gospel made the mistake of assuming that the Christian could express his social responsibility merely by applying the love-commandment to the larger, rather than to the more personal and intimate, relations of life. Its defective analysis of human nature made it oblivious to the relation of love to justice and to the factors of interest and power which must be reckoned with in any system of justice. In modern parlance, it lacked ‘realism’ ” (1968:127).

²⁹ Rasmussen points out the inevitable influence of liberalism in Niebuhr's work: “Liberalism as ‘faith in man’ and ‘soft utopianism’ rejected, Niebuhr retained many fundamental elements of German theological and American religious and secular, liberalism. ... Niebuhr's theological starting point was that of Protestant liberalism: human needs, powers, and responsibilities. His thought moved from human experience and historical consciousness into the knowledge of God, rather than the reverse (neo-orthodoxy's emphatic preference)” (1989:25).

principles of his justice were the same as those of liberalism (namely equality and liberty), he did, however, disagree with both traditions on various issues. Niebuhr did not think that people or societies would, or could, conform to moral ideals which would make society more just (*Moral Man and Immoral Society* is based upon this realism). All people, according to him, are seeking more power, and power more often than not will lead to abuse and injustice.³⁰ He later dismissed society's dream of bringing the "whole of human history under the control of human will [because] no group of idealists can easily move the pattern of history toward the desired goal of peace and justice" (Niebuhr 1952:2-3). Some sort of coercion is always necessary in society to keep the selfish impulses in check because sin will always get in the way of achieving complete harmony in a community.³¹ Niebuhr's Christian realism called people to "an active commitment to social and political action while holding that action under the sanction of divine judgement. There could be no peace for the Christian realist – only an occasional deep breath before the next in a never-ending series of re-examinations" (Fox 1986:22).

Niebuhr's view of liberalism is therefore not exclusively negative. "...the fundamental problems which Niebuhr sets out to solve are the characteristic problems of liberalism: The discovery of the meaning of the Bible beyond a literalistic orthodoxy, the establishment of the practice of tolerance, the relating of the Gospel to cultural movements and the search for its intelligibility in relation to human movements and the search for its intelligibility in relations to human experience, the discovery of the theological basis of democracy (Williams 1956:194).

³⁰ Rasmussen defines Niebuhr's realism as follows: "'Realism' certainly was a key category for Niebuhr. It means that while human nature exhibits both self-regarding and other-regarding, or social, impulses, the former are generally stronger than the latter. Moreover, self-regarding impulses are compounded in the lives of groups... A decent life in society, then, is not guaranteed 'by a more perfect system of education or by a more ethically rigorous religion but only by a system of checks and balances that preserves unto each group a measure of power sufficient to weight effectively against that of any other group by which it might be maltreated'" (1989:21).

³¹ "Political strategy, therefore, always involves a combination of coercive and persuasive factors. Sentimental moralism which underestimates the necessity of coercion, and cynical realism which is oblivious to the possibilities of moral suasion are equally dangerous to the welfare of mankind. The former spends its energies in vain efforts to achieve a purely voluntary reorganization of society; the latter resorts to violent conflict and makes confusion worse confounded. The welfare of society demands that enough social intelligence and moral idealism be created to prevent social antagonism from issuing in pure conflict and that enough social pressure be applied to force reluctant beneficiaries of social privilege to yield their privileges before injustice prompts to vehemence. And violence." (Niebuhr 1968:80-1).

In *The Nature and Destiny of Man*, Niebuhr identifies the human problem as refusing to accept the finitude of humanity. We are continuously living our lives by trying to break the boundaries and our freedom thus becomes one of the major stumbling blocks. We believe that perfectionism is within our grasp and it is this denial of our finitude that forms the basis of Niebuhr's excursus on sin; as we seek more power, injustice increases.

Man knows more than the immediate natural situation in which he stands, and he constantly seeks to understand his immediate situation in terms of a total situation. Yet he is unable to define the total human situation without colouring his definition with finite perspectives drawn from his immediate situation (Niebuhr 1941:182)

Niebuhr believes that the human situation was best described as anxious. Although our knowledge is temporally and spatially limited, we are aware of a certain transcendental element to life, and so anxiety becomes the "inevitable concomitant of the paradox of freedom and finiteness in which man is involved" (1941:182).³² This anxiety is closely related to the concept of "man as sinner" (this will be discussed in detail in the following section). This is a theme which echoes throughout the majority of his work. In *The Irony of American History* the emphasis is continually on the power which individuals and nations seek to achieve in history in order to fulfil their meaning within history. This view results in either utopian views of history or in very materialistic conceptions of human ends (Niebuhr 1952:6). Niebuhr cautions against placing all hope in democracy, because "no society, not even a democratic one, is great enough or good enough to make itself the final end of human existence"

³² Niebuhr describes this situation as the tension between "man, being both free and bound, both limited and limitless" (1941:182). Self-centeredness will always be the result – "all human life is involved in the sin of seeking security at the expense of other life. The perils of nature are thereby transmuted into the more grievous perils of human history. Or again: man's knowledge is limited by time and place. Yet it is not as limited as animal knowledge. The proof that it is not so limited is given by the fact that man knows something of these limits, which means that in some sense he transcends them."

(1944:133). He does, however, believe that democracy offers hope for a more just society, it must just not be confused with ultimate hope.³³

Sin is a refusal of human beings to accept their limitations, including the finiteness of their perspectives. We are continuously trying to convince ourselves that we have escaped from our human situation, denying its complexity and our inability to escape from it.

“[They] pretend to have achieved a degree of knowledge which is beyond the limit of finite life. This is the ‘ideological taint’ in which all human knowledge is involved, and which is always something more than mere human ignorance. It is always partly an effort to hide that ignorance by retention” (1941:182).

Niebuhr insists that we need to accept our incomprehension of the world and our lives in it rather than continually attempting to overcome it because our attempt to stand outside the world can never be plausible (1941:124). The only way we can attempt to find some sort of meaning for life is by searching outside of ourselves and being dependent upon a principle of comprehension which is beyond our comprehension (this will later be discussed more fully in the section on Niebuhr’s understanding of human nature and human destiny).

In the introduction to *The Nature and Destiny of Man*, Lovin points out that “Christian Realism” is a “synthesis of political, moral and theological reflection, which the undeniability of human freedom and the inescapability of its limits are the twin realities that together form a framework for understanding both the multiplicity of our specific choices and the ultimate unity of the environment in which they all take place” (2001:xvi). Christians are called to live in the world, but not to be completely a part of it. This is a call to be responsible for what is happening in the world and it is this vocation which runs through Niebuhr’s work, be it academia or pastoral. For Niebuhr, faith and responsibility are inseparable. The very fact that we believe calls us to

³³ “Man’s capacity for justice makes democracy possible; but man’s inclination to injustice makes democracy necessary” (1944:xiii).

action and it is our faith that inspires hope within us that things can be different. Richard Fox describes Niebuhr's faith as a matter of trust rather than belief, because

(T) rue faith was 'childlike in its single-heartedness' while avoiding the 'childish belief that God is on the side of the believer'. To believe in God was not to feel oneself chosen, set apart from other human beings by some eternal favour, but to feel oneself judged ... The Christian in Niebuhr's view was called to be in the world but not entirely of it; in that unsettling tension Christians could live lives that were, as he put it to Will Scarlett, 'full of grace and grief' (Fox 1986:22).

Niebuhr attempts to make sense of the anxiety and the lack of comprehension from which it arises in a theologically based method. This paradox between freedom and finiteness is not answered in many of the worldviews which Niebuhr examines, criticizes and discards because he feels adequate answers are lacking. Niebuhr's lack of faith in human possibility seems at times to be pessimistic, rather than realistic, although his pessimism results in action rather than inaction. It appears that there can be no chance of improvement in history or at the very most only a slight improvement, because of the continual self-centredness of humans and the abuse of power driven by self-interestedness. It is Niebuhr's contention that society fails to understand the twofold character of human life in nature – both its finiteness and transcendence or the resulting sin of "self-sufficient efforts to escape from the weakness, dependence and insufficiency of the human situation" as a result of this misunderstanding (Niebuhr 1943:53). He insists that we must "toss aside the 'halo of moral sanctity'" and "disenthrall ourselves from the self-aggrandizing parable" in which we are the makers of our own salvation (Bacevich 2007:xiii).

In the introduction to *Moral Man and Immoral Society* Niebuhr states that all classes and nations are only acting for their own power, wealth and security. The actions may be intentioned to retain wealth and power or to gain it, but it is always self-interested, no matter how universal the

values behind the actions may seem (1932:XIV). And this self-interestedness becomes even more acute when talking about classes.

“No complex society will be able to dispense with certain inequalities of privilege. Some of them are necessary for the proper performance of certain social functions; and others (though this is not so certain) may be needed to prompt energy and diligence in the performance of important functions. But rational privilege must be related to function and to the capacity to perform it. If such a principle is incompatible with complete equalitarianism, it is equally incompatible with the preservation of class privileges. Privileged classes are maintained by the inheritance of privileges without regard to individual capacities for exploiting them for the common good” (Niebuhr 1932:128 my italics).

For Niebuhr, injustice springs from this selfishness of individuals, nations and classes and their desire to maintain their power and superiority. In seeking to maintain their power, other nations, people or individuals lose their place in the harmony of society and their powerlessness becomes the source of the injustice which is committed against them (Niebuhr 1937:102).

It is realism, a not quite pessimistic or cynical view of humanity and history, which is supposed to counter the optimism of culture and politics. Niebuhr quotes Machiavelli on realism: “Realism is to “follow the truth of the matter rather than the imagination of it; for many have pictures of republics and principalities which have never been seen.” While idealism may be defined by its proponents as an attempt to “bring self-interest under the discipline of a more universal law and in harmony with a more universal good,” its critics accuse it of ignoring, or at least being indifferent to, “the forces in human life which offer resistance to universally valid ideals and norms” (Niebuhr 1989:120-121). Niebuhr believed that too much faith was being placed in liberalism and technology. He quite scathingly referred to the

romantic overestimate of human virtue and moral capacity, current in our modern middle-class culture, [which] does not always result in an unrealistic appraisal of present social facts... [but] nevertheless a considerable portion of middle-class culture

remains quite unrealistic in its analysis of the contemporary situation. It assumes that evidences of a growing brotherliness between classes and nations are apparent in the present moment (1932:xx).

Having an optimistic view of society will not do much to further justice. The limits of society should be accepted so that the sentimentality can be removed from justice. Niebuhr's approach to theology ensured that he entered into dialogue with many participants of varying faiths and academic disciplines.³⁴ Lovin describes the interaction between faith and moral obligation, which formed a central part of Niebuhr's Christian realism as not always being dependent upon God. It is not necessary to base moral obligations upon "divine commands or an ultimate center of value. Rather, God provides a reality in which a comprehensive unity of moral meanings is conceivable" (Lovin 1995:67). Because of the possibility of separating God and morality, Niebuhr was also relevant outside of Christian circles.

3.4 Human Nature and Human Destiny

Niebuhr's anthropological discourse is most commonly explained in his view of human nature and human destiny.³⁵ To explain this simply, human nature describes people before salvation. Human destiny refers to the "possibilities for humanity as a result of salvation" (De Gruchy

³⁴ "The minimal answer is that a moral and theological realism of the sort that Reinhold Niebuhr elaborates demonstrates that religious thinking need not be dogmatic or divisive and that when it is not, it can be admitted to the public discussion along with all the other participants" (Lovin 1995:55).

³⁵ Gilkey discusses Niebuhr's view on human nature and destiny and points out how intricately they are intertwined with his thoughts on justice: "In Niebuhr's earlier political writing two 'theological' subjects steadily seemed to gain prominence: the nature of human being on the one hand and the character and meaning of history on the other. These two questions are for him deeply intertwined: if we would undergird the hope for justice in an unjust world, we must understand the sources for the pervasive patterns of human social behaviour in the structure of human being... The questions of social justice (Niebuhr's abiding passion) – immediately involves the questions of the nature of human being and the nature of history; in the context of justice, neither can be explored without the other" (2001:142-43).

1992:25). Real, lived life (human nature) is continually contrasted with the ideal life (human destiny) in *The Nature and Destiny of Man*. Niebuhr is possibly best remembered for his emphasis on sin and human nature. Sin is not a mistake. It is, rather, a “deliberate misuse of the freedom that is our image of God in an effort to deny the reality of our human limitation” (Lovin 2007:xii). This abuse of freedom and freewill forms an important part of Niebuhr’s call to responsibility and is inseparable from his view of human destiny.³⁶ Although much of his theological anthropology is concerned with human nature, his conviction of the responsibility of each individual is born out of his commitment to human destiny. Because of the cross of Christ, Niebuhr believed we are called to live in an ethically responsible manner:

A very good case could be made, I think, for claiming that *Reinhold Niebuhr was driven to his abiding vocational concern for Christian ethics because his understanding of the nature of salvation was what it was*. Niebuhr understood the work of God in Christ as God’s decisive participation in the historical process. This is not however the participation of a divine omnipotence which sets aside every obstacle. It is the participation of a suffering love which alters the world, not through power but through solidarity with suffering humility (Hall 1986:198 my italics).

Human nature admits what a person is; human destiny recognizes what a person can become. The fact that humanity is created in the image of God sets the Christian view of humanity apart from all alternative views because it insists on recognising and accepting our weakness, dependence and finiteness and that evil prevents us from this:

it emphasizes the height of self-transcendence in man’s spiritual stature... *it insists on man’s weakness, dependence, and finiteness, on his involvement in the necessities and contingencies of the natural world*, without, however, regarding this finiteness as, of itself, a source of evil in man... *It affirms that the evil in man is a consequence of his inevitable though not necessary unwillingness to acknowledge his dependence, to accept his finiteness and to*

³⁶ Niebuhr’s views of human nature and human destiny are often separately discussed. However, they are closely related and should not really be studied separately and one should not be given precedence over the other, since they are closely intertwined. See Robin Lovin’s *Reinhold Niebuhr* for a rich discussion resulting from examining nature and destiny together.

admit his insecurity, an unwillingness which involves him in the vicious circle of accentuating the insecurity from which he seeks to escape (Niebuhr 1941:150 my italics).

For Niebuhr, history culminates and ends in the Cross (1941:164). It is here that the perfect love of Christ ends. It is here that the finite attempts to understand the transcendental, for the only way we can know infinite is from the recognition of the “finiteness of the self and of its involvement in all the relativities and contingencies of nature and history” (1941:170). Death is what ultimately distinguishes the “majesty of God and the weakness and dependence of man as creature” (1941:174). It is the expectation of Christ in human history that sets a religious view apart from other philosophies. “Prophetic faith finds meaning within history, because history is where people encounter God and find direction for their lives and actions. That is what Niebuhr means by ‘destiny’” (Lovin 2007:25).

The fact that Jesus, the Christ, was the suffering servant and not the majestic king who freed his people from bondage is crucial to Niebuhr’s development of human destiny. If anything, the crucifixion and resurrection point to the meaninglessness that is found, unchangeable, within history and the transcendence of the final justice and love. The answer to the problems of sin and injustice are found neither in history nor in our actions, but beyond history, in a prophetic religion and it is this expectation of a Messiah which sets Christianity apart from other philosophies and religions.³⁷ Niebuhr later says that “the *wisdom* and the

³⁷ “Historic religions are by their very nature prophetic-Messianic. They look forward at first to a point in history and finally towards an *eschaton* (end) which is also the end of history, where the full meaning of life and history will be disclosed and fulfilled... The basic distinction between historical and non-historical religions and cultures may thus be succinctly defined as the difference between those which expect and those which do not expect a Christ. A Christ is expected wherever history is regarded as potentially meaningful but as still awaiting the full disclosure and fulfillment of its meaning” (Niebuhr 1943:4).

Niebuhr compares the different religious views (where a Christ is expected to where a Christ is not expected) in great detail in the first chapter of the second volume of *The Nature and Destiny of Man*. On the one hand, the weakness of humanity is accepted, on the other, life is a continual denial and rejection of the incompleteness of life on this earthy. “The real problem of history is the proud

power in Christ is what gives life its meaning and guarantees the fulfilment of that meaning” (1943:55). It is in the Cross that the divine involvement in history is portrayed, where the divine transcendence over the structures of history becomes a part of history (Niebuhr 1943:71). Thus it is here that the paradox of history and the eternal is revealed, the paradox which we, in our finiteness, are constantly trying to understand and which in our sinfulness we are constantly trying to overcome.³⁸

But the sin which results from attempts to overcome our finiteness is not the only option and is not the way it has to be. “In his major works, Niebuhr’s purpose is always to give Christians a way of thinking that will enable responsible moral choices” (Lovin 2007:23). Despite the hopelessness of the human condition and inevitability of sin, it is still possible to choose differently. Without being idealistic (we need to always be realistic about our limitations) and without thinking that we can change the world by “asking what Jesus would do,” thinking we can do nothing is just as harmful. Sometimes the responsibility we bear is making a decision between greater and lesser evils.

It is Christ’s love which reveals to us how good and evil are mixed up in society. Judgment does not stand at the end of history or within it. “Judgment reveals the reality of human nature, with its mixture of divine image and human sin, at every point within history” (Lovin 2007:27). There is always a contradiction between goodness and false completions; striving and achievement, virtue and wisdom are always seeking for something more than they have, but this will always be beyond our reach.

pretension of all human endeavors, which seeks to obscure their finite and partial character and thereby involves history in evil and sin” (25). The differing views of the destiny of man affect the sinfulness of life (cf. the nature of man and the sins of pride and sensuality).

³⁸ Niebuhr describes this paradox by reference to the *agape* of God: “The *agape* of God is thus at once the expression of both the final majesty of God and of His relation to history” and later “...it can neither be reduced to the limits of history, nor yet dismissed as irrelevant because it transcends history... it is the final norm of a human nature which has no final norm in history because it is not completely contained in history” (Niebuhr 1943:71-75).

3.5 Sin and Injustice

Niebuhr's doctrine of sin, if it can be called a doctrine, is essential to a discussion of his justice because it is closely related to his views of injustice.³⁹ If injustice is the result of domination and oppression, then the sin which is at the root of injustice is a person's refusal to accept their mortality and attempt to escape their finitude in some way.

The distinctively Christian doctrine [is] that sin has its source not in temporality but in man's wilful refusal to acknowledge the finite and determinate character of his existence... (1941:177).

It is necessary to be aware of this rebellion and accept the fragmentary nature of life.

According to the Christian faith, life is and always will be fragmentary, frustrating, and incomplete. It has intimations of a perfection and completeness which are not attainable by human power (*Christianity and Society*. Autumn 1949:3).

Niebuhr's understanding of human sin begins with his conception of evil and the devil. The outside source of evil is what causes humanity to falsely interpret human finiteness and freedom (1941:180). The context in which humanity is tempted to this misinterpretation is "the fact that man is a finite spirit, lacking identity with the whole, but yet a spirit capable in some sense of envisaging the whole, so that he easily commits the error of imagining himself the whole which he envisages" (1941:181). In *Beyond Tragedy*, Niebuhr describes the ego as "sin in its quintessential form" (1937:11). Here he describes sin as either the human attempt to make their life rather than God the centre of existence or as life being centered around one impulse. In trying to overcome the finitude of life, we end up transgressing the limits of life. "Therefore all human life is involved in the sin of seeking security at the expense of other life. The perils of nature are

³⁹ "For Niebuhr, the imperfection of any human achievement of justice was based on his understanding of human sin. Justice was an approximation of "brotherhood" under conditions of sin. Precisely because it remains surrounded by conditions of sin, it can never achieve true brotherhood (Lebacqz 1987:142-143)." She goes on to point out how problematic such a view might be for us today because human mutuality and cooperation are present in society. People do accept a sense of community and do not act entirely out of selfishness.

thereby transmuted into the more grievous perils of human history” (1941:182). Our view of life is limited by history; and our immediate situation colours all our interpretations of history. He was critical of “moralistic Christianity” which encourages “the assumption that men are as good as the ideals of justice and love which they entertain” (1941:279). Niebuhr took seriously the imperfection of humanity, and the tendency towards sin, particularly where human pride and sensuality are concerned.⁴⁰

Niebuhr sees sin as the result of our insecurity with our finiteness and the constant attempt to overcome this supposed weakness to control our own destiny.⁴¹ Thus we either simply refuse to accept our finiteness or we imagine ourselves to be God. Our pretension of being God is possible because we are created in the image of God; thus we have the capacity for self-transcendence which permits us to see our finite existence under its eternal essence. While we do not “envisage reality widely enough to comprehend the actual center of life” we also “protest against [our] finiteness by seeking to make [ourselves] infinite” (Niebuhr 1935:87). Niebuhr, in a later work, writes that “we fall into sin by trying to evade or to conquer death or our own insignificance, of which death is the ultimate symbol” (Niebuhr 1956:6). This sin is manifested in pride (in its different forms of power, knowledge and virtue (of which the Church bears the

⁴⁰ The gospel should convict each person of their sinfulness. “To profess a gospel of love without letting that gospel convict each one of us of sinful selfishness means merely that we will suffer from the illusion that our actions have been brought into conformity with the ideal we profess, when in reality our ideal merely obscures the ethically indifferent character of our motives. The gospel of love and holiness has been at war with the immediate impulses of human nature from the very beginning. It is not maintained that a new malice has entered the human heart in our age which would make the preaching of repentance more needed than in other ages. But it is probably true that selfishness expresses itself in greed and in the lust for power more unrestrainedly in our civilization than in any other” (Niebuhr 1959:71).

⁴¹ Niebuhr describes this modern secularism as containing “an implicit or explicit self-glorification and deification in the sense described in the letter to the Romans. Humanistic rationalism, forgetting that human reason as well as human physical existence is a derived, dependent, created and finite reality, makes it into a principle of interpretation of the meaning of life; and believes that its gradual extension is the guarantee of the ultimate destruction of evil in history. It mistakes the image of God in man for God Himself” (1986: 80-1).

brunt of responsibility) and sin as sensuality. Niebuhr claimed that all power results in pride and injustice, because with power, we forget that we are finite and do not control our destiny:

All power leads to pride and injustice; to the pride of “them that despise me,” the pride of men who have forgotten that they are creatures and that no creaturely human strength is strong enough to make nature purely the servant of man rather than his nemesis; to the injustice of those who create their security at the expense of the security and freedom of others. ... The achievements of science and technics have beguiled us into a false complacency. We have forgotten the frailty of man (Niebuhr 1937:100).

3.5.1 The Sin of Pride

For Niebuhr, the sin of pride is inseparable from the injustices in our society. The superiority of power, knowledge and virtue leads to the oppression, suppression and abuse of others in the attempt to save the self from becoming finite.⁴² Niebuhr distinguishes between three types of pride:⁴³ pride of power, pride of knowledge and pride of virtue (1941:188). This sin is inseparable from some form of deceit. Our pride, which develops to a certain extent from our self-love, needs to deceive itself about the love which it deserves. Self-deception precedes the deceit of others (we need to firstly convince ourselves of our importance (over and

⁴² Fox believes that Niebuhr “was a deep believer in the sin of pride because he was so sensitive to his own. There was nothing he hated more than pretentiousness – unless it was passivity.” This was a man with “enormous ambition” and “extraordinary talent” who had “the wisdom to detect the subtle spread of self-satisfaction” (1985:67). If Fox is correct, it could explain the privileged place given to pride in Niebuhr’s doctrine of sin.

Mark Lovatt has suggested that Niebuhr’s theology is “an attempt to provide a Christian answer to the existence of human evil. ... Niebuhr begins his theology ‘from below’ with the problem of evil, and takes Christian (and non-Christian) concepts to make sense of the situation with which he is concerned. He then returns to the world at large to offer his insight, engaging with issues using the arsenal of resources he has accumulated. ... by allowing his theological agenda to be set in this way, rather than beginning with biblical analysis, or careful consideration of Christian tradition, his theology develops unsystematically, and in a way which some see as being at odds with orthodox theology. This emerges in the way he allows his understanding of sin as will-to-power to dominate his thinking” (2001:190). This led to a second outcome, that “theology becomes a matter of ethics. How are we to act, as Christians, in response to the will-to-power” (192).

⁴³ The Biblical and distinctively Christian conception of sin as pride and self-love is related by Niebuhr to the “observable behavior of men” (1941:188).

against our finitude) before we can convince others of our superiority). But the self never quite believes this deception; if others accept the deception it becomes easier for the self to obscure the truth and deny the insecurity which causes the self-deception in the first place.

The pride of power refuses to accept the limitations and finite character of humanity and the “ego assumes its self-sufficiency and self-mastery.” Pride does not only use power as a means to an end, but power also has pride as its end. Although it is prompted on the one hand by our refusal to acknowledge the finite character of life, it is also a denial of this finite character – an attempt to avoid the insecurity which is created by the lack of control of life. “The first form of the pride of power is particularly characteristic of individuals and groups whose position is, or seems to be, secure” (Niebuhr 1941:189).⁴⁴ Any attempt of an insecure people to obtain security through pride of power will come at the expense of other people and of nature. Nations and individuals attempt to deny their insecurity by “arrogating a greater degree of power to the self” (1941:190).

Niebuhr views greed as a particularly obvious ‘modern’ sin because technology has given people a false sense of security of what power they can achieve and leads to the overestimation of the elimination of insecurity. Physical comfort and security is the final good which people desire, but the degree to which this can be achieved is beyond human possibilities, although few would admit this (Niebuhr 1941:191). As we will see, the failure of modernity and other worldviews to meet the expectations of people is severely criticized by Niebuhr. The hope which they give is false because the finitude of life cannot be forgotten and brushed aside.

⁴⁴ Niebuhr’s footnote refers to the situation of both Great Britain and Germany. In the case of Great Britain, the sense of security was too great which prevented it from taken proper precautions and defending itself, and Germany’s “maniacal will-to-power” developed from its inner insecurity due to the inferiority (1941:189).

Greed is a vicious cycle because in the end, the more we have, be it power, political control, business interests or wealth, the greater our fear of losing it. Pride is the sin of the rich and powerful because they have the most to fear by losing something.⁴⁵ The power and the resulting injustice of this power are not necessarily, or only, the triumph over nature and self, but they are tightly woven with the insecurities of finiteness, weakness and dependence, and the desire and need to eliminate these insecurities and it is the resulting “...disproportion of power in society [which] is the real root of social injustice” (Niebuhr 1932:163).

⁴⁵ “The more man establishes himself in power and glory, the greater is the fear of tumbling from his eminence, or losing his treasure, or being discovered in his pretension. Poverty is a peril to the wealthy but not to the poor. Obscurity is feared, not by those who are habituated to its twilight but by those who have become accustomed to public acclaim. Nor is this sense of insecurity of the powerful and the great to be wholly discounted as being concerned with mere vanities. Life’s basic securities are involved in the secondary securities of power and glory. The tyrant fears not only the loss of his power but the possible loss of his life. The powerful nation, secure against its individual foes, must fear the possibility that its power may challenge its various foes to make common cause against it. The person accustomed to luxury and ease actually meets a greater danger to life and mere existence in the hardships of poverty than those who have been hardened by its rigors. The will-to-power is thus an expression of insecurity even when it has achieved end which, from the perspective of an ordinary mortal, would seem to guarantee complete security” (1941:193-194).

Niebuhr is criticized by feminist scholars as neglecting to consider sin from an inferior feminine perspective. Daphne Hampson says that “the problem women have is not with pride, but that they have not yet even begun to find themselves. I find Niebuhr’s discussion of sin as pride is inappropriate for women” (1986:50). She quotes Judith Vaughn, who criticises Niebuhr for failing to understand “those powerless ones who must proudly claim power in order to become more human.” Sin is thus not only the “refusal to relinquish power but also the refusal to claim it.

It is not only the feminists who are critical of Niebuhr. He is accused of seeing the world through a white, male, North American middle-class lens. This was the circle in which he moved: “Niebuhr’s experience and perspective, and the circles in which he moved, were largely North Atlantic, largely white, largely male and certainly those of the influential” (Rasmussen 1989:33). This is, undeniably, the circle in which he moved and much of the criticism is valid. It is not my intention to get into a debate with his critics here, but rather to mention the criticism that is levelled against him. It has been suggested that he did not realize the extreme difficulty of mobilizing oppressed people who had lost all dignity to action. Niebuhr has relatively little to say about the common and terrible places where “frustration is so oppressive that it is hard to awaken people to action; where the development of some pride, or at least self-respect, is painfully difficult; where apathy day in and day out is a greater enemy than the fanaticism that occasionally breaks out; where progress depends less upon shattering vain ambition than upon overcoming hopelessness. He has less to say about defeatism than about vanity, about indifference than fanaticism” (Roger Shinn, *The New Humanism*, quoted in Rasmussen 1989:32-33)

Such criticism does not make Niebuhr’s work any less worthy. It does, however, perhaps open our eyes to the extremely complicated nature of injustice. Though it might be easy enough to speak out for the disadvantaged and oppressed, we may, as some accuse Niebuhr of doing, never understand them enough to incorporate them into our theology.

Intellectual pride refers to human knowledge which always “pretends to be more true than it is” (Niebuhr 1941:194). No knowledge can be final and ultimate; it is always tainted by our particular perspective and experience. Despite that knowledge is finite knowledge, it pretends to be infinite. Every generation believes it has arrived at the final truth, only to be disappointed that the cure for human finiteness has not yet been discovered. But it is also more complicated than this:

[I]ntellectual pride is something more than the mere ignorance of ignorance. It always involves, besides, a conscious or subconscious effort to obscure a known or partly known taint of interest (Niebuhr 1941:195).

It is far easier to recognise the limitations of others, than to recognise one’s own limitations. To be able to be so objective in thinking is a rare gift. It is only by recognising and admitting ineptitude that *our* truth will never be confused with *the* truth and it is only then that we can actually make progress and remain humble at the same time. Intellectual pride went far beyond this discussion of sin for Niebuhr. It characterized the very essence of his realism; for we need to always know that we never actually discover *the* truth; rather, what we believe to be truth can (and probably will) be ever-changing. Thus a lifetime is spent in search of a better truth, a better way of living, and a higher justice.

The intellectual pride of refusing to admit other truths is closely related to moral pride which is revealed in self-righteousness; that is seeing *our* good as being *the* good. Any standards which do not conform to our own standards are regarded as “bad”, or “evil”, to use Niebuhr’s terminology.⁴⁶ Both intellectual and moral pride are the basis of the prejudice which in turn leads to the injustices of our society – the superiority of one race or one nation (or even one person) over another. Each person needs to be

⁴⁶ “When the self mistakes its standards for God’s standards it is naturally inclined to attribute the very essence of evil to non-conformists... Moral pride is the pretension of finite man that his highly conditioned virtue is the final righteousness and that his very relative moral standards are absolute. Moral pride thus makes virtue the very vehicle of sin...” (Niebuhr 1941:199).

aware of their own sin and not assume themselves to be less of a sinner than their neighbour and fellow human being:

The sinner who justifies himself does not know God as judge and does not need God as Saviour... [The sin of self-righteousness] is responsible for our most serious cruelties, injustices and defamations against our fellowmen. *The whole history of racial, national, religious and other social struggles is a commentary on the objective wickedness and social miseries which result from self-righteousness* (Niebuhr 1994a:200 my italics).

The injustice which results from moral pride and the injustice which results from spiritual pride (which also results in prejudice and superiority) are almost inseparable. The idea that our salvation, our righteousness and our standards are ultimate and superior cause us to no longer regard ourselves as judged by Christ, but to become Christ's judge in this world. Niebuhr regards religious class domination as the worst form of class domination with the worst form of intolerance being religious intolerance, "in which the particular interests of the contestants hide behind religious absolutes" (Niebuhr 1994a:201). As soon as we consider ourselves more righteous than others, we are guilty of the sin of self-righteousness. Instead of judging others, we need to be aware that a religion of revelation means that through the voice of God we discover that our highest is short of the highest and that it is dishonest to claim that our highest is the highest (1941:203).

This individual pride is true of nations (or any social unit for that matter) as well. The nation sees itself as all-powerful and omnipotent, "the nation pretends to be God" (Niebuhr 1941:212). In a group, individuals are given an opportunity to lose themselves and at the same time it offers them a chance improve their confidence and deny their finiteness. "In its whole range pride of family to pride of nation, collective egotism and group pride are a more pregnant source of injustice and conflict than purely individual pride" (Niebuhr 1941:213). The sense of belonging and the pride which develops from this will convince people to follow the rules and adhere to

the claims laid out by the group, rules and claims which are often not justified, but seek only to protect the self-interest of the group (especially when it feels threatened).

Individuals will look for security from belonging to a group. They will seek some sense of permanency and infinitude from their associations when they cannot find this security in their own life. This does not have to be negative, though. It is from our sense of community and our involvement and interaction with others in a positive way, that society can develop and individuals can learn to take responsibility and behave in a way which is life-affirming.

3.5.2 Sin as sensuality

Niebuhr's view of sin as sensuality can easily be misunderstood. It is not referring only to sexual sins, but rather to a lifestyle which includes a range of actions and relationships in which the self seeks to find itself.⁴⁷

⁴⁷ Niebuhr defines sensuality very broadly, but it is precisely this broad definition which Judith Plaskow (1980) claims he ignores. This is because if he were to take seriously his own broader definition of sensuality "it would be very difficult for him to insist on pride as the primary human sin." It is precisely this primacy of pride in Niebuhr's work that his doctrine of sin fails to take account of women's experience. "The problem is not simply that Niebuhr subordinates sensuality to pride. The flaw in his doctrine of sin lies in the fact that, in subordinating sensuality, he loses sight of it as a significant human sin and one independent of pridefulness" (Plaskow 1980:63)

It is sensuality, rather than pride, that might be the primary female sin: "...women's experiences are continually shaped and formed by social expectation, and that these expectations present themselves as "natural" and "proper." ... The roles which women traditionally have been assigned seem to be more clearly dictated by their biological nature than male roles are dictated by "male nature." These expectations concerning women's experience are relevant to Niebuhr's doctrine of sin because they predispose women to certain life patterns. Women are steered toward certain functions from the time they are born and taught to see these functions as expressing their true female nature. It would not be surprising, therefore, if the particular sin of women were the adoption of society's view of themselves to the detriment of their freedom. It would not be surprising, in other words, if sensuality and not pride were the primary female sin" (Plaskow 1980:64).

Plaskow suggests that the perspective of a women's experience (particularly pregnancy and motherhood) can also make creatureliness more positive, rather than the negative light in which Niebuhr depicts it. "Human finitude, while not evil, and while necessarily recognized and respected, is definitely an unpleasant fact for Niebuhr, one which sets boundaries to human freedom but does not endow it with any positive content" (Plaskow 1980:69-72). Added to this, his "language of self-sacrifice conflicts with personhood and becomes destructive when it suggests that the struggle to become a centered self, to achieve full independent selfhood, is sinful. In this case, theology is not irrelevant to women's situation but rather serves to reinforce women's servitude. It becomes another voice in the chorus of external expectation defining and confining the way women ought to live" (Plaskow 1980:87).

These actions and relationships are “larger than [the people] themselves, so that their freedom is completely absorbed by the demands and possibilities offered by some limited good that becomes the object of their complete devotion” (Lovin 2007:17). Whereas pride attempts to take control of destiny, sensuality gives itself over to whatever may be on offer.

Niebuhr begins by questioning the relationship of sensuality to selfishness and self-love. He maintains that sensuality is, in fact, both a form of sin and an extension of selfishness. “If selfishness is the destruction of life’s harmony by the self’s attempt to centre life around itself, sensuality would seem to be the destruction of harmony within the self, by the self’s undue identification with and devotion to particular impulses and desires within itself. The sins of self sensuality...have always been subject to a sharper and readier social disapproval than the more basic sin of self-love” (1941:228). Sensuality is often an escape from the self – “the self, finding itself to be inadequate as the centre of its existence, seeks for another god amidst the various forces, processes and impulses of nature over which it ostensibly presides” (1941:234).

Society often attempts to reduce life to sensuality, to systems and orders that are immediately available to the senses. There is a surplus of solutions on offer today to help people find their meaningful existence in the world. Instead of seeking salvation outside of history, salvation is offered within history. Lovin sees Niebuhr as recasting “the classical view as a version of the prideful denial of finitude, while modern scientific accounts of history and nature seem often to accept the sensual solution of reducing human life to systems and processes that are immediately available to the senses” (2007:17).

How much of this sensuality is reflected in injustice? It makes a perversion and mockery of the fact that some people have so much and others have so little. Our lives are too often governed by our status

symbols which makes us protective of what we have, and afraid of what we can lose. All forms of fanaticism can probably fall under this category too, in the sense that complete and often irrational dedication to a worldview is an attempt to escape from the world.⁴⁸ Niebuhr cautions against the danger of any view, perceived to be the absolute truth, as leading to disaster:

Rationalistic humanism...forgets the finiteness and creatureliness of man. It does not subject human righteousness to a transcendent righteousness, the righteousness of God. Thus it tempts men to "go about establishing their own righteousness" and finally degenerates into a fanaticism more grievous than that of dogmatic religion (1937:237).

In accepting that our truth is never the only truth, we open ourselves to dialogue which in turn will give us the opportunity to find the elements of truth in various positions and philosophies. Niebuhr says that "there is an element of truth in each position which becomes falsehood, precisely when it is carried through too consistently. The element of truth in each creed is required to do full justice to man's real situation. For man transcends the social and historical process sufficiently to make it possible and necessary deliberately to contrive common ends of life, particularly the end of justice" (Niebuhr 1952:107-08).

3.5.3 Justitia Originalis

Niebuhr related the sin of pride to the inferiority which people feel in the face of their finitude, and the desire to establish power over others to

⁴⁸ Lovin supplements Niebuhr's account of sin by adding what he calls "institutional sin" which demands commitments from people and in so doing removes certain choices and responsibilities from them. "Perhaps the most important point at which Niebuhr's account of sin needs to be supplemented, however, is in the delineation of institutional sources of sensuality. In addition to the pride and collective egotism of groups that is expressed in totalitarian politics or imperialistic foreign politics, we must also identify a form of institutional sin that elicits sensuality or sloth from persons by demanding commitments that preclude responsible attention to the range of choices and responsibilities that they ought to be attending to for themselves. ... The rising executive or scholar abandons the difficult balancing of obligations that marks a life of freedom constrained by human finitude, and substitutes a single set of goals defined by outside authorities. ... The over-achiever stills anxiety in precisely the way that Niebuhr describes the sensual evasion, 'by finding a god in a person or process outside the self'" (Lovin 1995:150).

diminish this feeling of powerlessness. He goes on to claim that the sin of pride and of self-love points to a lack of trust in God because the self seeks to “establish itself independently... [and] seeks to find its life and thereby loses it” (1941:252). Elsewhere he says “human life points beyond itself. But it must not make itself into that beyond. That were to commit the basic sin of man” (1941:258). He accuses rationalists of using a supposed knowledge of the perfect (of perfect justice, for example) as proof that it can be transmuted into actuality. Rather, says Niebuhr, our own standards will always fall short of being perfect, no matter how intelligent we may become (1937:12-13).

Self-realization is the acceptance of the self as finite, and realizing that God is the fulfilment of this finiteness (Niebuhr 1941:259-260). Paradoxically, it is in realizing that we are not free that we discover the most freedom. “The ultimate proof of the freedom of the human spirit is its own recognition that its will is not free to choose between good and evil (1941:258). Sin is a result of a lack of trust and faith in God.⁴⁹ So it is only in and through God that the anxiety caused by finiteness of humanity can be overcome.⁵⁰ God’s will must become the norm for any life a person wishes to overcome the sin in their actions, although part of this self-realization is the realization that we are never free from sin.

“It is within and by his freedom that man sins. The final paradox is that the discovery of the inevitability of sin is man’s highest assertion of freedom. The fact that the discovery of sin invariably leads to the Pharisaic illusion that such a discovery guarantees sinlessness in subsequent actions is a revelation of the way in which freedom becomes an accomplice of sin” (1941:263).

⁴⁹ “Sin can never be traced merely to the temptation arising from a particular situation or condition in which man as man finds himself or in which particular men find themselves. Nor can the temptation which is compounded of a situation of finiteness and freedom, plus the fact of sin, be regarded as leading necessarily to sin in the life of each individual, if again sin is not first presupposed in that lie” (Niebuhr 1941:254).

⁵⁰ In Niebuhr’s view of original sin, all human beings share in Adam and Eve’s disobedience in turning away from the “innocence in which God had created them.” God’s assistance is needed to overcome the inevitable choices we face because of our knowledge of good and evil (Lovin 2007:18).

There is some knowledge which resides in each person of how life is supposed to be. For Niebuhr, this means that “the contrast between what man is truly and essentially and what he has become is apparent even to those who do not understand this contrast is to be found in every human being and has its seat in the will of man itself” (1941:265).⁵¹ This means that we should all have some sense of justice and equality, or most basically a sense of what is right because we should be able to recognise, to some extent, what is unjust, what is unfair and what is wrong.

Although Niebuhr does not agree entirely with the idea that the conscience is the righteousness of the sinner, he does state that “the conscience is primarily known to man in terms of the disquiet, the sense of inner conflict which expresses itself in all moral life” (1941:274ff). The biblical idea that the law is written in the heart is translated by Niebuhr as meaning that the law which dictates action is part of the real self. Righteousness remains with sinful humanity as “the knowledge of what he ought to be, as the law of his freedom” (1941:280). Original justice and natural law cannot be separated because “the freedom of man sets every standard of justice under higher possibilities, and the sin of man perennially insinuates contingent and relative elements into the supposedly absolute standards of human reason” (1941:281). Original righteousness is experienced transcendently. Sin, however, arises in the place between freedom and finitude because outside of history the self is sinless, but once it acts in history it begins to sin. It is within and by our freedom that we sin; our self-love and self-centredness is inevitable (Niebuhr 1941:263).

Niebuhr sees the nature of humanity as having two elements: on the one hand “all his natural endowments, and determinations, his physical and

⁵¹ Niebuhr is critical of the traditional view of the fall – see 1941:267ff. The fall should not be viewed as a single event in history, but rather as a “symbol of an aspect of every historical moment in the life of man” (269).

social impulses, his sexual and racial differentiations...on the other the freedom of his spirit, his transcendence over natural process and finally his self-transcendence” (1941:270). The first element relates to natural law and the second to theological virtues of faith, hope and love. Although sin is inevitable, it is not necessary. Ultimately, we remain responsible for the choices we make. Love stands as a contradiction to sin, because in love there is no commandment. The biblical law of love reveals more than just law, it is a state of “heart and mind, a harmony between the soul and God, a harmony within the soul and a harmony between the self and the neighbour, which, if attained, would exclude all commandment” (Niebuhr 1941:286).⁵²

3.6 Justice and Community

Niebuhr’s first chapter in *Moral Man and Immoral Society* is entitled: *Man and Society: The art of living together*. This, according to Niebuhr, we have not yet learnt to do well and the further society advances, the greater the scope of the injustice as we continue to cover each other “with mud and blood.”⁵³ Almost ten years later, he noted that “(t)he task of creating community and avoiding anarchy is constantly pitched on broader and broader levels” (Niebuhr 1943:245). But community remains central to our humanness. It is only in relationship to other people that we can realize ourselves. Thus love and fraternity are necessities in our lives because we are social beings and being a part of a community is an essential part of our nature. But the relationships within the community

⁵² In communion with God, love demands nothing, because it is beyond law and commandment. “The perfect harmony of the soul with itself is thus a derivative of its perfect communion with, and love of, God. Where the love of God transcends obedience, the soul is centered in its true source and end without reservation...the sense that an obedience which is less than love is not normative even though it is universal, is the *Justitia Originalis*. It is the sense that there ought not be a sense of ought; it is the “thou shalt” which suggests that there are no “thou shalts” in perfection” (Niebuhr 1941:293).

⁵³ “For all the centuries of experience, men have not yet learned how to live together without compounding their vices and covering each other ‘with mud and with blood’” (Niebuhr 1932:1).

and between communities is corrupted by sin, which ultimately leads to injustice.

Power is becoming increasingly unevenly distributed in society on local, national and international levels. Already in the 1920's Niebuhr was critical of the increased centralisation of economic power which was occurring hand in hand with the technological progress.⁵⁴ The power has become more covert than overt as it became more economic than military. For Niebuhr, it is economic interests that divide people and groups more than any other type of social conflict (Lovin 2007:4). Gilkey says that:

...there is little question that the main groups Niebuhr has in mind are classes and that the primary social conflicts are class conflicts. He is convinced that economic power is the central form of social power; that economic injustice is more fundamental than is political injustice; and that therefore the levelling of economic privilege and power remains the central task for modern society, if it would achieve greater justice (1986:164)

It is this view which is probably shared by many theologians. We are constantly speaking about the 'haves' and the 'have-nots'. Society is separated into two poles – the wealthy and the poor. And the wealthy generally exploit the poor because they have access to resources which make them more powerful while keeping the poor suppressed.

Niebuhr spends two chapters discussing the different points of view of the proletarian and privileged classes in *Moral Man and Immoral Society* and favourably describes the working class view of society as having more

⁵⁴ "With the increased centralization of economic power in the period of modern industrialism, this development merely means that *society as such does not control economic power as much as social well-being requires*; and that the economic, rather than the political and military, power has become the significant coercive force of modern society. Either it defies the authority of the state or it bends the institutions of the state to its own purposes. Political power has been made responsible, but *economic power has become irresponsible* in society" (Niebuhr 1932:15 my italics).

Niebuhr, writing about the disorders of technological society, wrote that: "The modern machine long since has divorced the skill of the worker from his tool. It has to a certain degree divorced the worker from his skill, which is now increasingly in the machine. It has thus made the worker powerless, except insofar as common organized action has given him a degree of social and political power. It has on the other hand constantly increased the power of fewer and fewer centers of economic authority" (1989:44).

clarity about what is happening in society than the upper class and promoting a “rigorous ethical ideal” for society:

If we analyse the attitudes of the political self-conscious worker in ethical terms, their most striking characteristic is probably the combination of moral cynicism and unqualified equalitarian social idealism which they betray. The industrial worker has little confidence in the morality of men; but this does not deter him from projecting a rigorous ethical ideal for society (Niebuhr 1932:144-145).

For Niebuhr, it is unquestionable that a group can exist without some form of coercion, no matter how peaceful the co-existence of the individuals in the group might be. He also views a group as offering individuals opportunities to exercise their pride on a level other than an individual one (he specifically mentions patriotism as a form of selfishness, despite its apparent altruistic nature).⁵⁵ In a group, the self-interest of the individual is replaced with the self-interest of the group and there are many things that a group will do that an individual will not do to protect their own interests. “There is a notable difference between the moral behavior of individuals – where there is some real possibility of self-sacrifice for others, though it is rare enough! – and the behavior of groups –families, clans, classes, races, genders, states, or nations. With communities, the self-interest of the group is inevitably the pre-dominant

⁵⁵ “The larger social groups above the family, communities, classes, races and nations all *present men with the same twofold opportunity for self-denial and self-aggrandizement*; and both possibilities are usually exploited. Patriotism is a high form of altruism, when compared with less and more parochial loyalties; but from an absolute perspective it is simply another form of selfishness. *The larger the group the more certainly will it express itself selfishly in the total human community*. It will be more powerful and therefore more able to defy any social restraints which might be devised. The larger the group the more difficult it is to achieve a common mind and purpose and the more inevitably will it be unified by momentary impulses and immediate and unreflective purposes. The increasing size of the group increases the difficulties of achieving a group self-consciousness, except as it comes in conflict with other groups and is unified by perils and passions of war. It is a rather pathetic aspect of human social life that *conflict is a seemingly unavoidable prerequisite of group solidarity*. Furthermore the greater the strength and the wider the dominion of a community, the more will it seem to represent universal values from the perspective of the individual” (Niebuhr 1989:52 my italics).

factor” (Gilkey 2001a:xiv).⁵⁶ Already in the introduction of *Moral Man* Niebuhr expresses his negativity towards groups:

The inferiority of the morality of groups to that of individuals is due in part to the difficulty of establishing a rational social force which is powerful enough to cope with the natural impulses by which society achieves its cohesion; but in part it is merely the revelation of a collective egoism, compounded of the egoistic impulses of individuals, which achieve a more vivid expression and a more cumulative effect when they are united in a common impulse than when they express themselves separately and discreetly (Niebuhr 1932:xxv).

He later goes on to speak of the “brutal character of the behavior of all human collectives and the power of self-interest and collective egoism in all inter-group relations” (1932:xxx). Because of the passion and prejudice which characterise societies, conflict will always be inevitable and Niebuhr says that “our contemporary culture fails to realise the power, extent and persistence of group egoism in human relations... the relations between groups must therefore always be political rather than ethical...” (1932:xxxi). Niebuhr holds out little hope for the role of education in improving group relations and making people more tolerant of each other. It may have a place in society, but education cannot be expected to fix what is essentially a problem of faith; that is, a lack of trust in our finiteness.⁵⁷ Power will be dominant and morality will play a far lesser role. Because of the limitation of the mind and imagination of individuals, the selfishness of individuals makes ‘force an inevitable part of the

⁵⁶ Niebuhr says that there are limits for the possibility of intelligence to increase benevolence in a society because of the selfish impulses of individuals (1932:3). He did, however, in his later works become more positive about the morality of groups while at the same time becoming considerably less positive about the morality of individuals.

⁵⁷ Gilkey eloquently words Niebuhr’s opinion that the lack of morality in a group is a religious problem: “If the fault is spiritual and not natural, then a spiritual resolution is required at the very deepest level: not mere education, more inquiry, more intelligence, excellent as each of these may be. Rather we need the religious recognition of our own involvement in pride, humble repentance about our claims for security, for truth, and for virtue, and finally the acceptance of forgiveness and the beginning of trust... we find ourselves here in the midst not only of religion but even more of the piety of justification by faith: of repentance on the one hand and trust in grace on the other” (Gilkey 2001b:107).

process of social cohesion” (1932:6). This coerciveness needs to be eliminated before justice and peace can occur in society (1932:19ff).

How this is to be done? Niebuhr is extremely critical of both the religious idealists (who emphasize selfishness, not ignorance, as the root of social injustice) and the rationalists (who think that increasing intelligence will overcome injustice) (1932:23). We will always place our needs above those of others, no matter how intelligent we may be, says Niebuhr. Education will not prompt benevolence, at least not beyond an intimate community.⁵⁸ Society depends upon justice, not upon benevolence, and justice is the product of the mind, not the heart (Niebuhr 1932:29ff). Justice is the result of reason, and a reasonable and rational society will be critical of injustice. But justice can never be separated from the political, and power will always play against power.⁵⁹ Education may play an important part in educating people against injustice, but it can also be misused in the hands of the powerful: education is both a tool of propaganda in the hands of dominant groups, and a means of emancipation for subject classes (Niebuhr 1932:122). The intelligence of the general community cannot be “raised to such a height that the irrational injustices of society would be eliminated” because there is no such general community; perspectives are always influenced by economic interest (Niebuhr 1932:213ff).

⁵⁸ As relationships in society become independent and less personal, the nature of ethical attitudes change and mutual responsibility rather than benevolence becomes predominant. “The dependence of ethical attitudes upon personal contacts and direct relations contributes to the moral chaos of a civilization, in which life is related to life mechanically and not organically, and in which mutual responsibilities increase and personal contacts decrease” (Niebuhr 1932:28-29).

⁵⁹ Niebuhr believed that the dominant classes would not easily relinquish their power, guarding their privileges carefully. “Dominant classes are always slowest to yield power because it is the source of privilege. As long as they hold it, they may dispense and share privilege, enjoying the moral pleasure of giving what does not belong to them and the practical advantage of withholding enough to preserve their eminence and superiority in society. While education is potential power, because it enables the disinherited to protect their own interests by organised and effective methods, the dominant classes have suppressed their fears of this effect of education by the thought that education could be used as a means for inculcating submissiveness” (Niebuhr 1932:121).

It is sometimes unclear whether the lack of group morality is a result of the lack of individual morality, maybe Niebuhr never intended to imply here that individuals are moral, rather, that they are *more* moral (or less immoral) than the collective group.⁶⁰ But his lack of hope for the community cannot be disputed, although by the end of the book, and definitely in his later works, this apparent hopelessness does appear to resolve itself to some extent. But certainly in his earlier thinking he remained very negative and critical of the group mentality and the security which individuals attempt to achieve through group cohesion and within the group:

As individuals, men believe that they ought to love and serve each other and establish justice between each other. As racial, economic and national groups, they take for themselves, whatever their power can command (1932:9).

Individuals will most often accept the moral opinions of their society, rather than forming their own judgments (Niebuhr 1932:36). Here Niebuhr mentions the idea of the conscience as a moral resource or “a sense of obligation towards the good” (1932:37). Individuals can only be so moral, or, encouraged to be so moral; in other words, there are limits to moral reason,⁶¹ hence the argument for justice over benevolence (especially in a social or political context). But values in the community remain important. It is as part of a community that people learn how to behave, and it is from political values of society that their individual and personal values often develop. Despite Niebuhr’s pessimism regarding

⁶⁰ He writes of the individual that “...there is good reason to believe that the sentiments of benevolence and social goodwill will never be so pure or powerful, and the rational capacity to consider the rights and needs of others in fair competition with our own will never be so fully developed as to create the possibility for the anarchistic millennium which is the social utopia, either explicit or implicit, of all intellectual or religious moralists” (Niebuhr 1932:3).

In one of his last works, *Man’s Nature and His Communities*, Niebuhr stated that he should perhaps have titled his early book *The Not So Moral Man in His less Moral Communities* (1965:22).

⁶¹ Niebuhr refused to believe that human morality was without limits; people could only be so good and will probably never be able to fully comprehend their social situation. “The possibilities of increasing both the rational and the more uniquely moral resources of individuals is so real that it is not surprising that those who study the possibilities should frequently indulge the hope of solving the problems of society by this method. They easily fail to recognize the limits of morality in human life. The possibility of extending reason does not guarantee that it can be extended far enough to give a majority of individuals a comprehension of the total social situation in which they stand” (1932:40).

community, he never denied the importance of the values formed in society although he remained wary of their ability to corrupt.⁶²

The sins of anxiety, pride and selfishness are not easily overcome, and will always taint any knowledge we might have of what is right and good. Loyalty to the nation will also often influence behaviour. Because personal relations will always develop the greatest sensitivity (1932:53-54), Niebuhr suggests that the nation attempts to gain the loyalty of the individual by having a person as a symbol (he uses the example of the king in Britain). In this way, individuals belonging to a certain group will try to protect their own economic and political interests over those of others.

“Since those who hold special privileges in society are naturally inclined to regard their privileges as their rights and to be unmindful of the effects of inequality upon the unprivileged, they will have a natural complacency toward injustice. Every effort to disturb the peace, which incorporates the injustice, will therefore seem to them to spring from unjustified malcontent” (Niebuhr 1932:129).

He was continually critical of the rich and powerful. Not only is it the economic situation and the unequal distribution of power which leads to injustice, but the close ties between culture and social inequality cannot be denied (Niebuhr 1937:57-58).⁶³

⁶² Niebuhr recognised the importance and necessity of values in the community, however, he remained cautious as to the role they could play and was aware of the ways in which they could be misused. “Values are values, and no community can get along without them. They make common and so also individual life not only bearable but good – creative, joyous, and fulfilling. Mutual kindness and trust, caring for one another, tolerance, generosity, freedom, as well as cooperation, personal autonomy, and personal responsibility – these are values utterly essential to creative community and individual human life within community. They are for most of us socially enshrined best within the more general ‘political’ values of democracy... Niebuhr thoroughly believed in these values... their clear and intrinsic value did not mean that they could be misused... the very nobility of a community’s ideals represents a temptation to such pride, and, as one of its direct consequences, can be used as the justification for vanquishing and dominating the other. Niebuhr saw this clearly, and his wariness about our common democratic social values thus reinforces rather than contradicts his own devotion to those values” (Gilkey 2001b:111).

⁶³ Niebuhr was of the opinion that communities would be less moral than individuals and already at the beginning of his career was he aware of the problems that technology would create and the difficulties which would arise in trying to deal with these problems. “Since both sympathy and justice depend to a large degree upon the perception of need, which makes sympathy flow, and upon the understanding of competing interests, which must be resolved, it is obvious that human communities

It is the dominance of one group over another in protecting its own interests, and the unwillingness for the more powerful and wealthier group to relinquish some of that power and wealth, which is often the cause of conflict in society. The interests of the group will mostly extend only as far as protecting those interests. Thus when their privileges are no longer available, their interests will align closer to the interest of the nation (Niebuhr 1932:89). But, says Niebuhr, class loyalty is far less ingrained than national loyalty because it is the sum of the collective individual egos, which may mean that class loyalty can be changed more easily by encouraging an ethical and moral change in thought and behaviour.⁶⁴

However, there is no guarantee that increased morality will completely eradicate these loyalties. The pride and selfishness of the individuals which comprise the group cannot be swept away in a few years of education; morality is not something which can be forced upon an individual or a group.⁶⁵ It can only be hoped that a more moral attitude and a responsible ethic will develop over time.⁶⁶

have greater difficulty than individuals in achieving ethical relationships. While rapid means of communication have increased the breadth of knowledge about world affairs among citizens of various nations, and the general advance of education has ostensibly promoted the capacity to think rationally and justly upon the inevitable conflicts of interest between nations, there is nevertheless little hope of arriving at a perceptible increase of international morality through the growth of intelligence and the perfection of means of communication. The development of international commerce, the increased economic interdependence among the nations, and the whole apparatus of a technological civilisation, increase the problems and issues between nations much more rapidly than the intelligence to solve them can be created" (Niebuhr 1932:85).

⁶⁴ "The group egoism of a privileged class is therefore more precisely the sum and aggregate of individual egoisms than is the case in national selfishness...[and this] may mean that the unethical character of class prejudices may, being less complex, be more easily dissolved by reason than similar national attitudes" (Niebuhr 1932:140).

⁶⁵ Changes in moral attitude will not be enough to change class division. "It must be taken for granted therefore that the injustices in society which arise from class privileges will not be abolished purely by moral suasion. That is a conviction at which the proletarian class, which suffers most from social injustice, has finally arrived after centuries of disappointed hopes" (Niebuhr 1932:141).

⁶⁶ Niebuhr spoke of the equality of sin but the inequality of guilt, meaning that while all people are sinners, some are more guilty of sinning than others (for example, those who are dominant as opposed to those who are oppressed). "This fundamental inequality of guilt, in which the mighty offend against the weak, and through which justice is betrayed and torn asunder, is for Niebuhr first seen and made clear as part of the Biblical or prophetic consciousness, and so of revelation. Much of Christian

There is a close relationship between the power which controls the community (such as the coercive and organizing power of government) and the balance of the “vitalities and forces” in the society (Niebuhr 1943:257). The individual is never quite as important as society would like them to believe, but neither can individual liberty become the unqualified end (Niebuhr 1952:8). The importance of the community, and the rights of the community rather than individual rights, cannot be ignored or pushed aside to give the individual the sole privilege in the community.⁶⁷ There is a continual interaction between the reason (morality and law) and the vitalities of life. These vitalities, the tensions found in the community, are often what inform the law. It is law which will keep anti-social vitalities (those that are more self-interested) in check. The threat of the law is what helps keep a society stable and well-ordered, although the more stable the community the less necessary (and less frequently implemented) the law becomes (Niebuhr 1943:259-260).

Although there is a huge discrepancy between what the law should be (and what justice should be) and what is actually implemented in society, the ideal principles are necessary as a yard-stick to keep the actual law in check. There will always be this failing on the part of the law because “insofar as thought is purer than action ‘natural law’ is purer than ‘civil law’ (Niebuhr 1989:180). A higher justice always means a more equal justice and the fact that equality has always been a part of theories of

tradition has overlooked it and refrained from critical judgment on the powerful; and it is surely one of Niebuhr’s main goals to re-establish this ‘bias toward the poor’ as a part of Biblical and Christian faith... The equality of sin also pierces through another illusion about the ‘righteous’ and injustice. The weak, the dominated, and the exploited are, as we have seen, in many ways far less guilty than their oppressors. However, they are by that token not necessarily at all less sinful, or potentially less sinful. The rightness and justice of their cause does not indicate a special hold on virtue. When, after a radical change of power, the oppressed become the rulers, their pride, self-concern, and tendency to absolutize their cause will mean that they in turn will be unjust toward those dominated by them” (Gilkey 2001b:114-115).

⁶⁷ There stark contrast between Western individualistic thought and African and Eastern mentality, where the good of the community is upheld over the individual rights.

justice and public policies proves that people care for their fellow people.⁶⁸ A more equal justice means “demanding more than mere prohibition of theft and murder. Higher conceptions of justice are developed. It is recognized that the right to live implies the right to secure the goods which sustain life” (Niebuhr 1935:107).

There is, however, a great tension between speaking about equality and realizing equality in society. There is little practicality in the formation of a completely equal society, but even the way this discussion moves forward highlights the injustice of society. On the one hand, people in the position of privilege will emphasize the impossibility of achieving equality in society while the other side will tend to emphasize the absolute necessity of applying this norm to society.⁶⁹ This does not in any way excuse the inequality in society or the need for greater equality. It is often merely one group using their resources to protect their (often considerable) interests. Niebuhr calls this inability to realize true equality in society the “ideological taint” of the principle. Also, each level of community runs the risk of becoming corrupt and abusing their power. This would mean that the principles of justice are affected and the ideal of

⁶⁸ Equality was extremely important for Niebuhr, and he saw the Christian ideal of love pushing society towards greater equality. “From each according to his ability, to each according to his needs” is indeed an ideal, which is as impossible of consistent application in the complexities of society as the Christian ideal of love. But it is an ideal toward which rational society must move, and the religious overtone may be regarded as a guarantee against the dilution of the ideal. Whether the reorganisation of society will reform human nature sufficiently to make an approximation of the ideal possible, is a question which only history can answer, and which sober reason would [not answer with a confident affirmative]... The fact that the equalitarian ideal does not spring from pure ethical imagination, but is the result of the peculiar circumstances of proletarian life, does not detract from its validity as the ultimate social ideal” (Niebuhr 1932:160).

⁶⁹ Niebuhr was under no illusions that a perfectly equal society could be attained; he remained aware that equality does not mean the equal and exact distribution of everything, but that need and social function will always colour equality. “The ideological taint enters into the discussion of equality when those who suffer from inequality raise the principle of equality to the definitive principle of justice without recognizing that differences of need or of social function make the attainment of complete equality in society impossible. The beneficiaries of special privilege emphasize, on the other hand, that inequalities of social function justify corresponding inequalities of privilege. They may also assert, with some, but less, justification, that inequality of reward is a necessary inducement for the proper performance of social function. But they will seek to hide the historic fact that privileged members of the community invariably use their higher degree of social power to appropriate an excess of privileges not required by their function; and certainly not in accord with differences of need” (Niebuhr 1989:181).

fraternity becomes increasingly more distant. He speaks of the “organization of power and the balance of power” which are always open to corruption. “No possible refinement of social forces and political harmonies can eliminate the potential contradiction to brotherhood which is implicit in the two political instruments of brotherhood” (Niebuhr 1943:258). Thus the attempt to create a more just society is always in danger of becoming even more unjust from the very principles which are meant to protect it. Niebuhr is not very confident about a more equal balance of power being found in an international community.⁷⁰

It is this same law which protects both the individual and the community, which should lead to a more equal (and a more just) society. But even this “bourgeois” worldview of equality has become sentimentalized, says Niebuhr. The Biblical idea of “equality of all before God and equality as a regulative principle of justice is made into a simple historical possibility” (Niebuhr 1952:13). The influence of the church is essential in the formation of a cohesive community. Once again, the paradox of possibility and impossibility is brought into play:

“The world community, toward which all historical forces seem to be driving us, is mankind’s final possibility and impossibility. The task of achieving it must be interpreted from the standpoint of a faith which understands the fragmentary and broken character of all historic achievements and yet has confidence in their meaning because it knows their completion to be in the hands of a Divine Power, whose resources are greater than those of men, and whose suffering love can overcome the corruptions of man’s achievements,

⁷⁰ The balance of power presented, for Niebuhr, a great paradox. “[Many idealists] think that world government is possible without an implied hegemony of the stronger powers. This hegemony is inevitable; and so is the peril of a new imperialism, which is inherent in it. The peril can best be overcome by arming all nations great and small with constitutional power to resist the exactions of dominant power. This is to say that the principle of the balance of power is implied in the idea of constitutional justice. But if the central and organizing principle of power is feared too much, and the central authority is weakened, then the political equilibrium degenerates once more to an unorganized balance of power. And an unorganized balance of power is potential anarchy.

Thus we face all the old problems of political organization on the new level of a potential international community... The new world must be built by resolute men who ‘when hope is dead will hope by faith’; who will neither seek premature escape from the guilt of history, nor yet call the evil, which taints all their achievements, good. There is no escape from the paradoxical relation of history to the Kingdom of God. History moves towards the realization of the Kingdom but yet the judgment of God is upon every new realization.” (Niebuhr 1943: 284-285)

without negating the significance of our striving (Niebuhr 1944:189-190).

Niebuhr was rather pessimistic in his view of community and society, although the work which he did denies this to some extent. De Gruchy criticises Niebuhr for not adequately relating the role of cross to the community; his focus remains mainly on the individual and what the individual can achieve over and above society. De Gruchy suggests that the idea of reconciliation is lacking in his thought and that the focus is not on building “authentic relationships between people and between groups of people” (1992:295ff). The church as a community living under grace, and therefore also responsible, is given almost no attention in Niebuhr’s work. He also gives scant attention to the Holy Spirit and ignores the power of God at work in people. For a man so closely involved in the church, the power of the church in society does not seem to play an important role in his theology; it is rather the individual, albeit prophetically and as an agent of God, that is the element of change.

3.7 Love as the impossible possibility

Throughout Niebuhr’s work, the idea of the unattainable ideal of love, the law of life, can be found.⁷¹ The relationship between love and justice remains paradoxical throughout his work because love is seen as “both the fulfillment and the negation of law” (1937:269). He rejects love as an unacceptable hope for change in society while at the same time retaining

⁷¹ Niebuhr’s thoughts on love are closely linked to the perfect love displayed on the cross. This sacrificial love is portrayed through Christ and the cross, and this is the perfection to which we reach. “Christ as the norm of human nature defines the final perfection of man in history” (Niebuhr 1943:68). He later says that it is the sacrificial love of Christ which “clarifies the Christian doctrine of the sinlessness of Christ. Furthermore it makes the doctrine that Jesus was both human and divine religiously and morally meaningful and dispenses with the necessity of making the doctrine metaphysically plausible” (Niebuhr 1943:70). But at the same time, the cross shows the impossibility of this love in the world and in history (1943:89ff).

the importance of love in society.⁷² He understood agape in the light of the cross and did not see how people could express altruistic love, even in intimate relationships (Forrester 1997:217). This view of love as complete self-sacrifice possibly made Niebuhr more negative of the ability of people to love than is actually possible. While it is true that we cannot love perfectly, be forced to love, or actually even be taught to love, love remains very much a part of life.⁷³ Even though all people violate the law of love, some do so to a greater extent than others, so love certainly does not lose its priority in the world:

Love is the law of life and not merely some transcendent ideal of perfection. All men may violate the law of life but there is a difference between those who seek to draw all life into themselves, and those who have found God in the centre of existence through loyalty to Him have learned to relate themselves in terms of mutual service to their fellows (Niebuhr 1937:258).

Niebuhr uses agape throughout his work to refer to “the transcendent element continually qualifying our sensual love, our mutual love, our love for family, and our responsibilities to our community (justice)” (Gilkey 2001b:86). However, he always emphasises that any form of love in society is open to corruption, because freedom brings with it both good and evil:

As freedom develops, both good and evil develop with it. The innocent state of trust develops into the anxieties and fears of freedom; and these prompt the individual and the community to seek an unjust security at the expense of others. On the other hand it is possible that the same freedom may prompt larger and larger structures of brotherhood in human society. This brotherly relation of life with life is most basically the “law of life.” It alone does

⁷² However, the importance of love in society cannot be ignored, since despite its ideal character, it remains very much a part of the workings society. “The whole question about the relation of love to law in Christian thought is really contained in the question of how love is the fulfilment of the law” (Niebuhr 1935:140).

Niebuhr later wrote that “love is thus the end term of any system of morals. It is the moral requirement in which all schemes of justice are fulfilled and negated. They are fulfilled because the obligation of life to life is more fully met in love than is possible in any scheme of equity and justice. They are negated because love makes an end of the nicely calculated less and more structures of justices. It does not carefully arbitrate between the needs of the self and of the other, since it meets the needs of the other without concern for the self” (1941:295).

⁷³ Niebuhr thought that we would always put ourselves at the centre of the world, even in relationships. “Although the self can only realize itself in relation to others, and in loving relations in particular, love will always be betrayed into self-love. We always comprehend the world with ourselves at the centre” (Niebuhr 1943:108).

justice to the freedom of the human spirit and the mutual dependence of men upon each other, their necessity of fulfilling themselves in each other. There is however, no development towards larger realms of brotherhood without a corresponding development of the imperial corruption of brotherhood (Niebuhr 1943:95-96).

The aim for a more perfect love is always possible, even though perfect love will never be realised.⁷⁴ It is the attempt to fulfil this law that becomes the driving force that seeks a better and more equal justice and which calls every person to bear their share of the responsibility in the community. Selflessness is the highest moral ideal of the individual; justice is the highest moral ideal of society.

Because of the failure of love in our world on both an individual and communal level, justice becomes the imperfect aim in our imperfect world. Pure love can completely ignore the self; pride and anxiety and selfishness find no place in love, the neighbour becomes the main focus, and the needs of the neighbour are no longer weighed up against the needs of the self. It is “only in mutual love, in which the concern of one person for the interests of another prompts and elicits a reciprocal affection, [that] the social demands of historical existence satisfied” (Niebuhr 1943:69).⁷⁵ But this is impossible to attain and so justice becomes the standard for society. Love seeks to go far beyond rationality since it does not take into account the self but recognises the worth of the life of others:

“A *rational ethic aims at justice*, and a *religious ethic makes love the ideal*. A rational ethic seeks to bring the needs of others into equal consideration with those of the self. The religious ethic, (the

⁷⁴ Niebuhr sees the value of love in intimate relationships “where human relations are intimate (and love is fully effective only in intimate and personal relations), the way of love may be the only way to justice”, but this intimacy does not exist in society, and so love becomes not only an impractical way to justice, but an impossible one (Niebuhr 1989:74).

⁷⁵ But Niebuhr warns that mutual love is never pure (*agape* retain the purity). It is always self-interested and seeks some form of happiness for the self through love (see 1943:82). Elsewhere he says that “love must strive for something purer than justice if it would attain justice. Egoistic impulses are so much more powerful than altruistic ones that if the latter are not given stronger than ordinary support, the justice which even good men design is partial to those who design it (Niebuhr 1989:74).

Christian ethic more particularly, though not solely) insists that the needs of the neighbour shall be met, without a careful computation of relative needs. This emphasis upon love is another fruit of the religious sense of the absolute. *On the one hand religion absolutises the sentiment of benevolence and makes it the norm and ideal of the moral life. On the other hand it gives transcendent and absolute worth to the life of the neighbour and thus encourages sympathy toward him.* Love meets the needs of the neighbour, without carefully weighing and comparing his needs with those of the self. It is therefore ethically purer than the justice which is prompted by reason” (Niebuhr 1932:57 my italics).

However, love meets a problem when there is no subject or when there are too many subjects.⁷⁶ Despite the fact that “the final pinnacle of grace in the realm of love is the relation between persons in which one individual penetrates imaginatively and sympathetically into the life of another,” (Niebuhr 1953:147) most people find it impossible to be as impartial as love requires; even those who attempt to achieve a pure justice are affected by egoistic desires. To help others we mostly need to weigh the needs of one against the needs of another, or against our own needs. The nearer the needs are to us, the easier it becomes to act emotionally. The further away the needs, the more rational the decision to help needs to be.⁷⁷ In the complexity of society today, it becomes increasingly difficult to meet the needs of the neighbour, sitting on the other side of the world in a

⁷⁶ Love, as a way to meet needs, is only possible when there are only two people involved. A third person immediately creates conflicting needs. “An immediately felt obligation towards obvious need may be prompted by the emotion of pity. But a continued sense of obligation rests upon and expresses itself in rational calculations of the needs of others as compared with our own interests. A relation between the self and one other may be partly ecstatic; and in any case the calculation of relative interests may be reduced to a minimum. But as soon as a third person is introduced into the relation even the most perfect love requires a rational estimate of conflicting needs and interests” (Niebuhr 1943:249).

⁷⁷ Love needs a clearly defined object and becomes “baffled” by more intricate social relations. “Love is most active when the vividness or nearness of the need prompts those whose imagination is weak, and the remoteness of the claim challenges those whose imagination is sensitive. Love, which depends upon emotion, whether it expresses itself in transient sentiment or constant goodwill, is baffled by the more intricate social relations in which the highest ethical attitudes are achieved only by careful calculation. If it cannot find an immediate object it has difficulties in expressing itself. The same intellectual analysis which the complex situation requires may actually destroy the force of the benevolent impulse” (Niebuhr 1932:74).

country we have never been to, facing problems we have never encountered.⁷⁸

“The weaknesses of the spirit of love in solving larger and more complex problems become increasingly apparent as one proceeds from ordinary relations between individuals to the life of social groups. If nations and other social groups find it difficult to approximate the principles of justice... they are naturally even less capable of achieving the principle of love, which demands more than justice” (1932:75).

And so while love should and will always remain the ideal, justice becomes the approximation of love.⁷⁹ It is only an approximation because rules are laid down to prevent people from taking advantage of each other. Justice is a rational form of love which does not require the emotional element, thus making it more probable of being achieved.⁸⁰ Although justice will always stand both in fulfilment and contradiction of love it is justice rather than love that nevertheless becomes the aspiration of society.⁸¹ Justice relates to love in both a positive and a negative way,

⁷⁸ Love is capable of overcoming great divides and boundaries between people, but love is never this perfect. “Both the resources and the limitations of religion in dealing with the social problem, are revealed even more clearly in its spirit of love than in its sense of contrition. Religion encourages love and benevolence, as we have seen, by absolutising the moral principle of life until it achieves the purity of absolute disinterestedness and by imparting transcendent worth to the life of others... the transcendent perspective of religion makes all men our brothers and nullifies the division, by which nature, climate, geography and the accidents of history divide the human family” (1932:71).

⁷⁹ “Justice is not love. Justice presupposes the conflict of life with life and seeks to mitigate it. Every relative justice therefore stands under the judgment of the law of love, but it is also an approximation of it” (Niebuhr 1986:87).

⁸⁰ Niebuhr shows how justice relates to brotherhood in three steps: “Systems and principles of justice are the servants and instruments of the spirit of brotherhood insofar as they extend the sense of obligation towards the other, (a) from an immediately felt obligation, prompted by an obvious need, to a continued obligation expressed in fixed principles of mutual support; (b) from a simple relation between a self and one ‘other’ to the complex relations of the self and the ‘others’; and (c) finally from the obligations, discerned by the individual self, to the wider obligations which the community defines from its more impartial perspective. These communal definitions evolve slowly in custom and law. They all contain some higher elements of disinterestedness, which would not be possible to the individual self (Niebuhr 1989:177).

⁸¹ There is a dialectical relationship between love and justice. “The Christian conception of the relation of historical justice to the love of the Kingdom of God is a dialectical one. Love is both the fulfillment and the negation of all achievements of justice in history. Or expressed from the opposite standpoint, the achievements of justice in history may rise in indeterminate degrees to find their fulfillment in a more perfect love and brotherhood; but each new level of fulfillment also contain elements which stand in contradiction to perfect love. There are therefore obligations to realize justice

always containing elements of love within itself and yet never being able to become love:

The positive relation of principles of justice to the ideal of brotherhood makes an indeterminate approximation of love in the realm of justice possible. The negative relation means that all historic conceptions of justice will embody some elements which contradict the law of love. The interests of a class, the viewpoint of a nation, the prejudices of an age and the illusions of a culture are consciously and unconsciously insinuated into the norms by which men regulate their common life (Niebuhr 1943:256).

The highest ideal to which an individual will aspire is selflessness, or “unselfishness” (Niebuhr 1932:257). But this is not easy to attain because love is never pure and it mostly seeks something for itself. But “the highest mutuality is achieved where mutual advantages are not consciously sought as the fruit of love. For love is purest where it desires no returns for itself; and it is most potent where it is purest” (Niebuhr 1932:265). However, if justice is continually striving towards a more equal justice it is pointing towards a certain “approximation of brotherhood under the conditions of sin” (Niebuhr 1943:254).⁸² Justice needs to be aware of its own limits, since when justice becomes all-powerful, it becomes oppressive.

Niebuhr’s realism denies what was popular opinion, which dictated that the world could be changed by simply applying the law of love to history. The fulfilment of the command to love the neighbour will not have its end in history.⁸³ But despite perfect love being an ideal, it does not mean that

in indeterminate degrees; but none of the realizations can assure the serenity of perfect fulfillment” (Niebuhr 1943:246).

⁸² The relationship of love to history is always paradoxical: “Love stands both inside history in so far as it bears the possibility of changing human relations (a reciprocal response of love, mutuality and respect) and it stands beyond history (as soon as it requires a reciprocal response it loses its disinterestedness)” (Niebuhr 1943:247).

⁸³ “The law of love belongs to a time of fulfilment beyond history, which means that nothing we can do within history, even at the extreme edges of historical change, can be anything more than an approximation that denies part of the law of love, even in the act of fulfilling it” (Lovin 2007:8).

we cannot try to establish a grasp of love in the world. And justice becomes the way in which love can be a tangible reality in the world, because it is far clearer as to what justice is necessary and what justice requires. However, there is always an element of the ideal in justice and equality as they seek to draw nearer to the ideal of perfect by “affirming the life and interests of the neighbour as much as those of the self” (Niebuhr 1935:110).⁸⁴

Love always pushes the boundaries, however, forcing us to reach beyond what we know for something better, for something more just. “The freedom of man over every historic situation means that his obligation to others cannot be limited to partial communities of nature and history, to family, tribe, or nation. Love acknowledges no natural bounds and is universal in scope” (Niebuhr 1953:147).

Love is not, however, as exclusive and unattainable as Niebuhr might think. His complete separation between love and justice, and his view of love as entirely self-sacrificial is an unfair treatment of the situation. People do not act entirely selfishly and are capable of some form of love, even if it is not completely Christ-like. Lebacqz suggests that this complete separation of love and justice renders justice a second class citizen, and does not take into account Biblical principles of justice such as liberation and redress (1987:159). This might be unfair to Niebuhr, though, because he always allowed the grace of love to give a clue to “the inner nature of justice.” Without love, justice would become distorted and

⁸⁴ “The principle of equality does not exhaust the possibilities of the moral ideal involved in even the most minimal standards of justice. *Imaginative justice leads beyond equality to a consideration of the special needs of the life of the other. ... Every one of these achievements in the realm of justice is logically related, on the one hand, to the most minimal standards of justice, and on the other to the ideal of perfect love – i.e., to the obligation of affirming the life and interests of the neighbour as much as those of the self.* The basic rights to life and property in the early community, the legal minima of rights and obligations of more advanced communities, the moral rights and obligations recognized in these communities beyond those which are legally enforced, the further refinement of standards in the family beyond those recognized in the general community – *all these stand in an ascending scale of moral possibilities in which each succeeding step is a closer approximation of the law of love*” (Niebuhr 1935:110 my italics).

tyrannical – kindness and tenderness is always needed in society (Forrester 1997:217-218).

3.8 The Religious Aspect

Despite this realistic, sometimes pessimistic and cynical view of society, there is hope. For Niebuhr, this hope is found in religion. Things are not as they should be, and they will not always be this way, although the culmination of the hope will not be achieved in history; we wait for the eschatological fulfilment. His view of the nature and destiny of man are inseparable from his faith and hope:

If religion be particularly occupied with the absolute from the perspective of the individual, it is nevertheless capable of conceiving an absolute society in which the ideal of love and justice will be fully realised. *There is a millennial hope in every vital religion.* The religious imagination is as impatient with the compromises, relativities and imperfections of historic society as with the imperfections of individual life (Niebuhr 1932:61 my italics).

Elsewhere, he says that

(t)he Christian faith holds out the hope that *our fragmentary lives will be completed in a total and larger plan than any which we control or comprehend*, and that a part of the completion is the forgiveness of sins, that is, the forgiveness of the evils into which we fall by our frantic efforts to complete our own lives or to endow them with significance (Niebuhr 1956:6 my italics).

But for Niebuhr, religion cannot be universalised, in the same way that all people cannot be expected to become moral and love fails because of its impossibility to entirely overcome selfishness and pride.⁸⁵ Thus, there is something about faith which remains true only for the religious community, because it is impossible to replicate on a larger level. The “full force of religious faith will never be available for the building of a just

⁸⁵ “All men cannot be expected to become spiritual any more than they can be expected to become rational. Those who achieve either excellence will always be a leavening influence in social life; but the political structure of society cannot be built upon their achievement” (1932:73).

society, because its highest visions are those which proceed from the insights of a sensitive individual conscience. If they are realised at all, they will be realised in intimate religious communities in which individual ideals achieve social realization but do not conquer society” (Niebuhr 1932:81).

Religion will always remain apart from the secular, because the two are so dissimilar and what happens in the faith community cannot apply to society. But it cannot give up and be defeated so easily.⁸⁶ We just need to realise that it was never the claim of religion to completely change the historical world:

...the Christian faith in its profoundest versions has never believed that the Cross would so change the very nature of historical existence that a more and more universal achievement of sacrificial love would finally transmute sacrificial love into successful mutual love, perfectly validated and by historical social consequences (Niebuhr 1943:87).

Religion cannot be completely separated from the worldly, but neither can it be expected to influence all the leaders and political policies, and make society more just, although this does not prevent open dialogue between the religious and the secular, and it also does not relieve religious leaders of responsibility in the political and social environment. However, religion still has its place within a specific community, this despite the fact that for many it remains the ideal towards which they strive.⁸⁷ It is the foolishness of religion, and of faith, which makes it a completely accepted explanation for life and it becomes accepted as wisdom. “Revelation does not remain in contradiction to human culture and human knowledge. By completing the incompleteness, clarifying the obscurities and correcting

⁸⁶ “The defeatism of religion is derived from a too consistent God-world, spirit-body dualism, in which the fact, that natural impulses in the economic and political life move under less restraint of reason and conscience than in the private conduct of individuals, persuades the religious man to despair of bringing any ethical values into them whatsoever” (1932:78).

⁸⁷ “The great seers and saints of religion have always placed their hope for the redemption of society in the possibility of making the love-universalism, implicit in religious morality, effective in the whole human society” (1932:72).

the falsification of human knowledge it becomes true wisdom to “them that are called” (Niebuhr 1943:67). To overcome pride and accept the finiteness of our existence, we search for security and it is the task of religion to provide this security. He says that “in a true religion, faith in the ultimate meaningfulness of existence, grounded in a God who transcends the caprices and contingencies of the physical order and who is capable of overcoming the chaos created by human sin, sit the final security of the human spirit” (1937:95).

But at the same time, he cautions against spiritual arrogance and pride; we always only know part of the truth and we must guard against accepting our part as the whole truth. It is in the search for truth that the “intellectual intercourse” is one of our best defences against moral superiority, leading instead to a more tolerant point of view.⁸⁸ Toleration for Niebuhr does not mean admitting defeat, giving up and losing hope in our own answers. Rather, toleration is “an expression of the spirit of forgiveness in the realm of culture” (1943:243). There is a fine line between knowing that we do not know and continuously searching for the truth on one hand, and falling into either scepticism (thinking that there is no answer) or fanaticism (hiding behind a wall of pretension) on the other. He makes the point that all too often religion has ordained injustice as God-ordained. In the past, and today, “religious dogmatism not only accentuated intolerance and bigotry but also sanctioned the social hierarchy of feudal life. It persuaded men that the fate which made one man master and another slave was God-ordained” (Niebuhr 1937:233). Too often the church has had a hand in oppression, rather than offering the people freedom. This is not how it should be! This is not faith, or belief. This is the abuse and misuse of power and religion because of human pride and sinfulness.

⁸⁸ See *Moral Man and Immoral Society* Ch. VIII § III

Our faith will always call us to question our actions. Our responsibility and our striving for justice, lies within our faith.⁸⁹ For Niebuhr, it is religion which has stood the test of time and which can give guidance in the struggles of life.

Only a vital Christian faith, renewing its youth in its prophetic origin, is capable of dealing adequately with the moral and social problems of our age; only such a faith can affirm the significance of temporal and mundane existence without capitulating unduly to the relativities of the temporal process. Such a faith alone can point to a source of meaning which transcends all the little universes of value and meaning which 'have their day and cease to be' and yet not seek refuge in an eternal world where all history ceases to be significant. Only such a faith can outlast the death of old cultures and the birth of new civilizations, and yet deal in terms of moral responsibility with the world in which cultures and civilizations engage in struggles of death and life (Niebuhr 1935:34 my italics).

We have to accept that we will not be perfect in history but we do need to be aware of the ongoing developments between our reality and the divine reality or, to use Niebuhr's words, the "human self-will and the divine purpose" (1943:121). Religion should not give us a sense of security. It is not, as we might imagine, the consciousness of our highest social values. Rather, "true religion is a profound uneasiness about our highest social values" (1937:28). We can never know the final truth, because the truth of God will always transcend the limits of our finiteness. We need to accept this with humility, rather than deceiving ourselves that we know the truth. Thus, even our knowledge of justice, and our hope for a completely just society, will remain a hope. We can always improve on previous mistakes, and attempt to think better, but we must never deceive ourselves that our justice is completely just. For Niebuhr, the motivation for social action is found in his faith, but this faith needs to be

⁸⁹ We live our lives in response to God's action in history: "Repentance and faith in response to God's judgment and mercy represent the continual possibilities of new life in history. They are the only guard against idolatry, the only motivation for a life devoted to increased justice, and the only way to avoid despair. At the center again is the paradox of grace, the 'I, yet not I, but Christ,' and of a having and yet not having" (Gilkey 2001b:192).

complemented by a wise understanding and a social intelligence which can adequately translate the Christian ethic into a suitable social ethic.⁹⁰ Niebuhr drew a sharp distinction between a person as *Imago Dei* and the creatureliness and finiteness of humanity.⁹¹ This leads to his firm belief in the dignity of each person, despite their being a sinner.⁹²

And yet, it is the religious ideal which forms a part of justice. Justice cannot be totally separated from the religious. The hope for a just society will always remain irrevocably religious, and will always, to a certain extent, have as its ideal a fraternity in which love knows no boundaries:

Every genuine passion for social justice will always contain a religious element within it. Religion will always leaven the idea of justice with the ideal of love. It will prevent the idea of justice, which is a politico-ethical ideal, from becoming a purely political one, with the ethical element washed out... Furthermore there must always be a religious element in the hope of a just society. Without the ultra-rational hopes and passions of religion no society will ever have the courage to conquer despair and attempt the impossible; for the vision of a just society is an impossible one, which can be approximated only by those who do not regard it as

⁹⁰ Spiritual vigour and social intelligence need to be combined to transform a Christian ethic into a social ethic. "What is needed to make this gospel effective is a combination of two qualities which are not always combined with ease: spiritual vigor and social intelligence. The spiritual vigor is needed to create in men the desire to check their expansive desires and to bring their clamant self-will under the will of God. So powerful are the forces of self that only a powerful religious devotion can bring them in check. But sometimes religious fervor which creates the will to live the Christlike life is not accompanied with sufficient social intelligence to know what the Christlike ethic is. Therefore social education must accompany religious regeneration" (Niebuhr 1968:76).

⁹¹ "To understand the paradoxical approach of Christian faith to the problem of human freedom and finiteness, it is necessary to set the doctrine of man as creature in juxtaposition to the doctrine of man as *imago Dei*" (Niebuhr 1941:166).

⁹² Niebuhr grounded the value of each person in who they are in the sight of God; every person is worthy of being treated with respect and dignity. "One of Niebuhr's most important distinctions is that between the value of a person and the virtue of that person. All persons are of value, even when they have little virtue – that is because God loves them and because they are autonomous persons, end in themselves. The value of those who suffer remains and calls for our justice; but this presence of value in the oppressed does not mean that those who are oppressed are thereby virtuous or selfless. The justice of the cause of the proletariat, of the peoples occupied by colonial powers, of oppressed races, or of dominated women did not for Niebuhr at all mean the unalloyed virtue of any of these groups, as liberal sensitivities are inclined to assume. Hence their value as human beings remained the constant ground of the requirement on each of us of giving them both justice and love – even when, as is frequently the case, their lack of virtue becomes evident when they in turn gain power. In sum the value of each creature, and especially of each human creature, is for Niebuhr central to everything Christian faith wishes to say" (Gilkey 2001b:204).

impossible... For what religion believes to be true is not wholly true but ought to be true; and may become true if its truth is not doubted (Niebuhr 1932:80-81 *my italics*).

Religion calls people to be responsible and to act in a way which is in accordance with the religious ethical teaching.⁹³ Throughout his writings, and in his sermons, it was clear that Niebuhr's passion for justice and equality in society was driven by religious motivation, even if this was not always explicitly stated. "Religion proceeds from profound introspection and naturally makes good motives the criteria of good conduct. It may define good motives either in terms of love or of duty, but the emphasis is upon the inner springs of action" (Niebuhr 1932:259). The social benefits of love may not be guaranteed, but their possibility cannot be denied. "Love and benevolence may not lead to complete mutuality; but it does have that tendency, particularly within the area of intimate relationships. Human life would, in fact, be intolerable if justice could be established in all relationships only by self-assertion and counter-assertion, or only by a shrewd calculation of claims and counter-claims. The fact is that love, disinterestedness and benevolence do have a strong social and utilitarian value..." (Niebuhr 1932:264-265).

The church is not only a place which critically judges the actions of its members and causes them only unrest when they search their souls. It is also a place of reconciliation, consolation and mercy (Niebuhr 1932:62). The realism of our finitude is tempered by the eschatological hope – we are not alone and our situation is not hopeless.⁹⁴ But this message cannot

⁹³ It is the responsibility of the church, and of Christian leaders, to remember this responsibility for social involvement. It is too easy for the church to deny its responsibility in the world when the focus becomes too clearly fixed on its other-worldliness. "But the Christian faith, which can easily degenerate into a too simple moralism, may also degenerate into a too simple determinism and irresponsibility when the divine grace is regarded as a way of escape from, rather than a source of engagement with, the anxieties, perplexities, sins, and pretensions of human existence" (Niebuhr 1968:174).

⁹⁴ "The faith of a Christian is something quite different from this optimism. It is trust in God, in a good God who created a good world, though the world is not now good; in a good God, powerful and good enough finally to destroy the evil that men do and redeem them of their sins. This kind of faith is

be sentimentalized; it should always stand in stark contrast to the broken reality of our existence. Christianity remained inseparable from Niebuhr's ethics and political theology, even though he may not always have overtly referred to Biblical or Christian sources.⁹⁵

3.9 Responsibility in response to salvation

It is impossible to speak about our salvation without speaking about the responsibility that remains so central to Niebuhr's ethics.⁹⁶ We are called to involvement in society by the very nature of our justification by faith. To be realistic though, justice needs to assume the continued power of self-interest within the community as it extends from a simple relationship between two people to a more complex relationship between many people, and finally to the obligations which are owed to the wider community (Niebuhr 1989:177).⁹⁷ Justice is thus far more than an obligation; it is a lifestyle and positive action in history as a response to our human destiny. For us, as for Niebuhr, it remains inextricably linked to the hope which we have through our faith. At one point he said, "(t)he

not optimism. It does not, in fact, arise until optimism breaks down and men cease to trust in themselves that they are righteous" (Niebuhr 1937:131).

⁹⁵ The Christian religion, in its profoundest terms, is a faith in the meaningfulness of existence which is able to defy the chaos of any moment, because the basis of its trust is not in any of the constructs of human genius or any of the achievements of human diligence which arise periodically to imposing heights and tempt men to put their trust in their own virtues and abilities. Christianity believes in a God who created the world and will redeem it; but it knows that the purposes of God may be momentarily and periodically frustrated by human wickedness (Niebuhr 1937:113-114).

⁹⁶ Stephen de Gruchy, in his doctoral thesis, makes a compelling argument for the relationship between Niebuhr's soteriology and the central theme of responsibility in his ethics (1992, unpublished).

⁹⁷ "Systems and principles of justice are the servants and instruments of the spirit of brotherhood in so far as they extend the sense of obligation from an immediately felt obligation, prompted by obvious need to a continued obligation expressed in fixed principles of mutual support; from a simple relation between one self and one other to the complex relations of the self and the others; and finally from the obligations, discerned by the self, to the wider obligations which the community defines from its more impartial perspective" (Niebuhr 1989:177).

function of religion is to nerve men for an ethical achievement when it promises no immediate returns.”⁹⁸

“There is not enough imagination in any social group to render it amenable to the influence of pure love. Nor is there a possibility of persuading any social group to make a venture in pure love... The selfishness of human communities must be regarded as an inevitability” (Niebuhr 1932:272). Thus, each individual needs to be personally responsible for their moral action, and to extend this morality to the group. “The needs of an adequate political strategy do not obviate the necessity of cultivation of the strictest individual moral discipline and the most uncompromising idealism” (Niebuhr 1932:273). It also necessitates laws and rules in society in an attempt to make society just. But this will always be an imperfect justice.⁹⁹ An imperfect justice is not an excuse for accepting injustice, though. Niebuhr points out that the “difference between a little more and a little less justice in a social system and between a little more and a little less selfishness in the individual may represent differences between sickness and health, between misery and happiness in particular situations” (1941:220). Niebuhr warns that although “all have sinned and come short of the glory of God” it must not inhibit preferences between oppressor and oppressed because while such a distinction will be appropriate at “the ultimate religious level of judgement” it is not necessary, or feasible, to make use of it in all historical situations.

⁹⁸ *Does Civilization Need Religion*. P 74.

⁹⁹ Karen Lebacqz writes briefly about justice being borne out of injustice: “...Niebuhr’s basic insight regarding the imperfection of justice remains valid. If justice is wrought in response to injustice then justice can never be perfect. It will always be tainted by the limitations of human reason and vision, and it will always be restricted by the constraints of an imperfect social order. There will always be a “better justice toward which we might strive. ... Every earthly justice is a relative justice that incorporates injustice within it” (1987:143).

It was never Jesus' intention, according to Niebuhr, to provide a blueprint for society.¹⁰⁰ A just society is an ideal for which we strive, a reminder of what can one day be achieved, although this will not be realised within history. We have to make responsible choices and behave in a responsible way, because love alone will not change the world. Instead, we need a prophetic faith, which calls us to meaningful action which is realistic and to hope instead of despair.¹⁰¹ It is essential to engage both moralists and political realists in trying to prevent society from senseless coercion and conflict. Such a view will realise that while some coercion and conflict is unavoidable, it can be limited.

An adequate political morality must do justice to the insights of both moralists and political realists. It will recognise that human society will probably never escape social conflict, even though it extends the areas of social co-operation. It will try to save society from being involved in endless cycles of futile conflict, not by an effort to abolish coercion in the life of collective man, but by reducing it to a minimum, by counselling the use of such types of coercion as are most compatible with the moral and rational factors in human society and by discrimination between the purposes and ends for which coercion is used (Niebuhr 1932:234).

In his chapter on moral values in politics in *Moral Man and Immoral Society* Niebuhr discusses the serious problem which arises from 'punishing' one group because of their unjust policies, and he points out that coercion and conflict are not always the best ways to deal with a problem. If, for example, a nation boycotts another nation because it disagrees with their political policies, it is not only the government that suffers, but it is the people who suffer (see pages 238ff). The innocent, in the end, suffer with the guilty. Society is never free from coercion in its attempt to eradicate injustice, be it overt or covert coercion. But "society

¹⁰⁰ See Robin Lovin, *Reinhold Niebuhr*, page xi ff. For Niebuhr, the Bible does not so much offer practical solutions to social and political problems as what it encourages a certain lifestyle amongst believers.

¹⁰¹ Lovin captures this distinction so beautifully: "Prophetic faith avoids both sentimentality and despair. It keeps us from the cheerful assumption that our good deeds are steadily transforming the world into a better place and from the paralyzing fear that nothing we can do will make any difference. Prophetic faith replaces optimism with gratitude and despair with contrition, so that our choices and actions can be realistic and life remains meaningful, in spite of our finitude and limitations" (2007:11).

must strive for justice even if it is forced to use means, such as self-assertion, resistance, coercion and perhaps resentment, which cannot gain the moral sanction of the most sensitive moral spirit” (Niebuhr 1932:257).

Responsibility for the Christian community is not about creating a Christian government. Rather, it is about responding to political, economic and social matters in a Christian manner based upon a Christian ethic. A prophetic Christian ethic would be more of a general demand than a specific programme; that is, said Niebuhr, it cannot make specific demands of the political and the impossible ideal should have no place in the discussion (1935:156). A prophetic Christian ethic stands outside of history, while at the same time accommodating the needs of a specific generation. In his article *Theology and Political Thought in the Western World*, Niebuhr writes about the Christian ethic, or attitude, which does not seek to play God in society, but still makes responsible choices which can influence political theory in a positive manner:

We have come to the fairly general conclusion that *there is no “Christian” economic or political system*. But *there is a Christian attitude toward all systems and schemes of justice*. It consists on the one hand of a critical attitude toward the claims of all systems and schemes, expressed in the question whether they will contribute to justice in a concrete situation; and on the other hand a responsible attitude, which will not pretend to be God nor refuse to make a decision between political answers to a problem because each answer is discovered to contain a moral ambiguity in God’s sight. *We are men, not God; we are responsible for making choices between greater and lesser evils*, even when our Christian faith, illuminating the human scene, makes it quite apparent that *there is no pure good in history; and probably no pure evil, either*. The fate of civilization may depend on these choices (Reinhold Niebuhr. *Faith and Politics* (Stone, R. Ed) 1968:56). Cited in Lovin 1995:25 my italics).

Niebuhr was scathing of apathy and inaction, both personally and nationally. He harshly condemned the neutrality act of 1939 and “demanded” its instant repeal, because “it is one of the most immoral laws that was ever spread upon a federal statute book.” It is immoral because of

the evasion or denial of moral responsibility. When a man refuses to recognize his obligations as a member of a community, when he isolates himself from the affairs of his community, and acts as a completely unrelated individual, he is an immoral man. *Morality consists in the recognition of the interdependence of personal life. The moral man is the man who acts responsibly in relations to his fellows, who knows the duties that communal life requires, and who is willing to accept the consequences that these duties impose.* As with men, so with nations (Niebuhr 1957:177-178 my italics).

3.10 A Practical Christian Realism

Where do we find the way between Christianity and politics or theology and politics? Since our call, as part of a prophetic faith, is to take responsible action for the social well-being of all people, we need to ask where it is that we are headed when in dialogue with public and social policy.¹⁰² Niebuhr believed that a political morality must appeal to idealists and realists as well as contain a religious world-view:

an adequate political morality must do justice to the insights of both idealists and political realists. It must include a political policy which will reduce coercive power to the minimum and bring the most effective social check upon conflicting egoistic impulses in society; it must generate a moral idealism which will make for a moral and rational adjustment of life to life and exploit every available resource of altruistic impulse and reason to extend life from selfish to social ends; and *it must encompass a religious world-view which will do justice to the ideals of the spirit which reach beyond the possibilities of historic achievement* (Niebuhr 1989:131 my italics).

Our goal is always for a higher justice, for a policy which will result in a more just society than the one we have now, and for a morality which will result in a more equal society. We cannot do this alone; no person, no group and no nation can do it alone. There needs to be continual dialogue and re-evaluation of our policies and ideas. We must never become too

¹⁰² There is criticism against Niebuhr for not considering that Christianity possibly has no place in the political realm. "Niebuhr's insistence that responsible Christianity requires a compromise of the demands of Jesus' ethics fails to ask the prior question of whether Christians should be taking responsibility for the life of society in the first place" (Lovin 1995:94).

confident in our achievements but must seek always to see how the world can be improved. It is too easy for justice to become injustice and so all our policies need to be continually evaluated and critically examined.¹⁰³

For Niebuhr, the pathway to justice lies not only in responsibility but the ability to see the viewpoint of others, and refuse to accept our truth and our worldview as final and ultimate. We need to choose responsibly, because this is the way to achieving limited goals, along with the responsibility to not place too much glory in the achievements (Lovin 2007:xi). Our happiness is dependent upon us having a little more justice and freedom and being a little more understanding of others:

Human happiness ... is determined by the difference between a little more and a little less justice, a little more and a little less freedom, between varying degrees of imaginative insight with which the self enters the life and understands the interests of the neighbour (Niebuhr. *An Interpretation of Christian Ethics*. 1979:64. Cited in Lovin 2007:xi).

Although couched in negative terms, Niebuhr put forward a similar notion in *Moral Man and Immoral Society*:

Whatever increase in social intelligence and moral goodwill may be achieved in human history, may serve to mitigate the brutalities of social conflict, but they cannot abolish the conflict itself. That could be accomplished only if human groups, whether racial, national or economic, *could achieve a degree of reason and sympathy which would permit them to see and to understand the interests of others as vividly as they understand their own, and a moral goodwill which would prompt them to affirm the rights of others as vigorously as they affirm their own*. Given the inevitable limitations of human nature and the limits of the human imagination and intelligence, this is an ideal which individuals may approximate but which is beyond the capacities of human societies (1932:xxv my italics).

¹⁰³ “Critical intelligence is a prerequisite of justice. Short of the complete identification of life with life which the law of love demands, it is necessary to arbitrate and adjust between competing interests in terms of a critical scrutiny of all the interests involved. *Every historic and traditional adjustment of rights must be constantly subjected to a fresh examination*. Otherwise the elements of injustice involved in every historic achievement of justice will become inordinate. They will grow not only because it is the tendency of all power and privilege to multiply its demands and pretensions, but also because shifting circumstances will transmute the justice of yesterday into the injustice of tomorrow” (Niebuhr 1935:163-4 my italics).

Equal justice was without a doubt the end which Niebuhr envisioned for society, although he would probably speak of a *more* equal justice, bearing in mind that equality is impossible to achieve. The coercion which is exercised in society and in communities, on a national or international level will always need to keep the end goal in mind, of creating a more equal society, with more people benefitting from the goods of society.¹⁰⁴ Niebuhr speaks of rational societies although what exactly he means by rational societies is not defined, but we can probably assume that he means a society which will not exercise coercion for its own benefit, but rather seek the benefit of each individual in society, increasing the equality in the society. For all his criticism of liberalism, he was supportive of its positive points, and willing to acknowledge these, such as tolerance, reason and the emphasis on rights.¹⁰⁵ Coercion is often necessary in society to secure unreasonable loyalty – “obedience, respect and loyalty” – so that the ultimate social goals can be attained.

If the mind and the spirit of man does not attempt the impossible, if it does not seek to conquer or to eliminate nature but tries only to make the forces of nature the servants of the human spirit, and the instruments of the moral ideal, a progressively higher justice and more stable peace can be achieved (Niebuhr 1932:256)

¹⁰⁴ Niebuhr saw conflict as an inevitable part of the search for greater equality. Conflict which furthers justice is acceptable, he concludes, while conflict which attempts to protect wealth should be condemned. “An adequate political morality...will recognize that *human society will probably never escape social conflict*, even though it extends the areas of social co-operation. ... *A rational society will probably place a greater emphasis upon the ends and purposes for which coercion is used than upon the elimination of coercion and conflict*. It will justify coercion if it is obviously in the service of a rationally acceptable social end, and condemn its use when it is in the service of momentary passions. The conclusion which has been forced upon us again and again in these pages is that equality, or to be a little more qualified, that *equal justice is the most rational ultimate objective for society*. If this conclusion is correct, a social conflict which aims at greater equality has a moral justification which must be denied to efforts which aim at the perpetuation of privilege” (Niebuhr 1989:55 my italics).

¹⁰⁵ “It is quite possible that much of his method is dependent on the liberal achievements, as has been suggested. There are values in the liberal spirit of tolerance. Reason has its rights and its constructive function. ... Reason has played a part in the discovery of the worth of the individual and is necessary to the achievement of tolerable justice in human relations. The very reliance on reason does tend to achieve something of a balance of power. The liberal spirit in morals is of most value in working out pragmatic adjustments within a fairly stable situation” (Williams 1956:203).

For the Christian in particular, participation in the political and social sphere is by no means an easy task. There are many ambiguities in politics and there is a certain sanctity of the Christian faith which cannot be brought into this sphere.

Thus the real problem of a Christian social ethic is to derive from the Gospel a clear view of the realities with which we must deal in our common or social life, and also to preserve a sense of responsibility for achieving the highest measure of order, freedom and justice despite the hazards of man's collective life (Niebuhr 1989:128).

However, this is not an impossible task, even if it is difficult. Keith Ward sees the Christian responsibility in society as existing on two-tiers, one being more easily accomplished than the other:

What seems best to reflect Christian hope in political reality, then, is a two-tier political ethic. *The first tier is that of justice, in the sense of negative rights* – refraining from interfering in the legitimate plans and pursuits of others, and respecting their pursuits as part of respecting them, but also being prepared to prevent them from unduly obstructing the legitimate plans of others. *The second tier is that of charity, of the pursuit of ideals of social self-realization*, which form the real vision and inspiration of Christian social life. It is important to see, however, that *this second tier proposes a set of ideals which can never be fully realized, whereas the first tier can and should be implemented in any society* (1986:85 my italics).

Justice cannot be limited to the purely political. Without individual input, it becomes an empty concept.

No system of justice established by the political, economic, and social coercion in the political order is perfect enough to dispense with the refinements which voluntary and uncoerced human kindness and tenderness between individuals add to it. These refinements are not only necessary, but possible (Niebuhr 1935:201).

Each individual needs to become aware of their significance in society, and their importance in the world, not only because of their inherent value as a human being but because of their potential to give value and meaning to life in general and to the specific life of the individuals with whom they come into contact. This responsibility needs to be instilled in a

community where people feel safe and secure.¹⁰⁶ It is here that values are taught and social responsibility can become second nature. The church has a particular role to give people courage and hope:

There is meanwhile *a very great task for the church to help people to live sanely in a very insecure world*. A religious faith which trusts no historic securities too much, but understands the ultimate security of the assurance that ‘neither life nor death are able to separate us from the love of God,’ can become a resource of sanity in an insecure world. A religious faith which understands the perpetual disappointments in human history and knows that no historical achievement can be identified with the Kingdom of God, can prevent the disillusionment, bordering upon despair... (Niebuhr 1959:89 my italics).

But of course this is no simple task. “A moral discipline calculated to increase the intensity and range of man’s obligation to other life involves two factors: The extension of the area in which life feels itself obligated to affirm and protect the interest of other life and the provision of an adequate dynamic to support this obligation” (Niebuhr 1935:202). Niebuhr’s life was a continual quest for justice, while avoiding self-sufficiency. Out of tears came responsibility and life was a paradox of “grace and grief.”

Self-interest had its place in a realistic political theory, but as a moral ideal it repelled him. *He was suspicious of all calls for self-fulfillment*. ... Personal contentment was a long-range by-product of communal engagement, not of a course in ‘growth.’ *He was uncomfortable with the traditional, Aristotelian notion of self-realization* - the gradual development of talents and virtues, the acorn becoming the oak – because it was too complacent about the power of mind to discipline and control the self. ... *Happiness could be found only on the other side of unhappiness and it came as a gift, not an acquisition*. The moral existence demanded a provisional unfulfillment. *Yet the brokenness and brutality of the earthly vale of tears provoked not resignation but expectancy*. For

¹⁰⁶ “The most grievous mistake of Marxism is its assumption that an adequate mechanism of social justice will inevitably create individuals who will be disciplined enough to “give according to their ability and take according to their need.” The highest achievements of social goodwill and human kindness can be guaranteed by no political system. They are the consequence of moral and religious disciplines which might be more appreciated in our day if the Christian Church had not mistakenly tried to substitute them for the coercive prerequisites of basic justice” (Niebuhr 1935:201).

all his doubts about the power of mind, *he was sure that men and women were called to enact justice, make their own history, in full awareness of the pride and foolishness that would plague their efforts*. All the while they could shake their heads in wonder at *the spectacle of a life that was forever*, as he said to Scarlett, ‘*full of grace and grief*’ (Fox 297-98 my italics).

Niebuhr speaks of the struggle for justice which will always be a struggle. This tells a lot about how justice cannot easily be achieved, and is something which needs continual attention. Justice is never perfect, and even the most just society is always in danger of becoming unjust, and the good which occurs may become oppressive and tyrannical on both an individual and communal level. Yes even in the tragedy of injustice, Niebuhr finds reason to be positive, “some beauty in our tragedy,” for “we can no longer buy the highest satisfactions of the individual life at the expense of social injustice.” He declares that some illusions are necessary, most importantly the illusion that “the collective life of mankind can achieve perfect justice” because “justice cannot be approximated if the hope of its perfect realization does not generate a sublime madness in the soul” (Niebuhr 1932:277).

The boundaries of justice are ever-increasing, which makes it difficult to determine what action is right and wrong. Niebuhr insists on a contemplative interaction with society, which continually re-examines practices. His realistic approach, rather than utopian view of human history, places each person as a part of a much bigger picture. Although his view of sin is inadequate, it does offer great insight into the greed which often leads to oppression and tyranny. It is necessary to live in a way which is not accepting, but is constantly questioning what we know to be true and right.

3.11 Conclusion

Niebuhr's theology was greatly influenced by his formative years as a pastor in Detroit. The social, political and economic circumstances which confronted him during his life bore an intense impact on his theology. Niebuhr was intensely critical of various world views which did not support his argument, and employed a methodology which sought rather to undergird his own thinking than to interpret the worldview in its own right. All his books and articles reflect engagement with the political arena and his influence as a theologian in the secular world remains undeniable.

Niebuhr's central theme throughout his work was justice, or the lack thereof in society. This was firmly based in his Christian realism, through which he attempted to encourage a neither too pessimistic nor too optimistic view of reality, history and human nature. Niebuhr emphasises the transience of human life, and our inability to perfect justice or love in history. This realism is closely linked to his view of human nature and human destiny. The sins of pride and sensuality are responsible for many of the injustices in society; our refusal to accept our finitude means that we are continually trying to overcome it. However, this weakness and dependence finds hope in the Cross, which calls each person, created in the image of God, to live in a responsible way. Niebuhr's discussion of human nature and human destiny are closely linked, and offer most fruitful insights when considered together. Faith, hope and love offer alternatives to the hopelessness of the finitude of life.

Justice needs to be firmly grounded in community. Relationships are corrupted by injustice and power though, and Niebuhr remains slightly suspicious of the ability of community and society to act in a just way. He did admit that community was necessary for the formation of values and for education, although he was always wary of their ability to corrupt. For

Niebuhr, more justice is a more equal justice, particularly where power is concerned. Justice is always measured by love, which remains an impossible possibility for Niebuhr. His self-sacrificial understanding of perfect love renders it impossible for people to achieve, making justice the political reality instead.

Faith and religion provide us with hope, although most specifically in a religious setting, rather than in a secular environment. Its wisdom is not exclusive though, and dialogue between religious leaders and secular leaders is important. It is necessary to guard against pride and arrogance and to continuously evaluate the effects of our belief on the world. Also, says Niebuhr, religion is not designed to offer comfort and security – it should rather create a feeling of intense uneasiness, pushing us towards action, continually searching for a better truth and a more equal justice. And our Christian understanding needs to be translated into the secular. Our motivation might arise from our response to salvation, but it needs to be played out in society. There is no specific Christian programme, but a Christian ethic which reacts in a responsible way in society. Thus for Niebuhr, responsibility and community remain inseparable from the struggle for justice.

Rawls and Niebuhr approach justice from two very different perspectives and deal with it very differently in their work. Rawls draws our attention towards the necessity of caring for the least disadvantaged in society. His focus on institutions and society as the place where justice belongs begs discussion of the place of community in developing a sense of justice in people, which ties in with Rawls's moral psychology. Rawls also points out the need for justice between generations, which emphasises the need for justice for future generations, but also leads to discussion of what justice is needed to address past injustices.

Niebuhr reminds us of the responsibility which everyone has to live in a way which is ethical. He was intent on the social and political issues of his day, not attempting to turn justice into a single theory which could be applied to any situation at any given time. He used words like sin, pride and power, continually reminding us of our fallibility and subjectivity.

These observations are now discussed with other theological ideas, sometimes in dialogue with other theologians. We now ask how justice relates to poverty, moral reasoning, human dignity, community and a global world. The importance of the Christian community and eschatological hope ends the discussion.

Chapter 4

Justice between fairness and love?

4.1 Introduction

The chapter begins with a brief overview of Rawls's and Niebuhr's views of justice as has been discussed in the previous two chapters, with particular emphasis on what is pertinent to the discussions which follow. Rawls's priority of liberty over equality offers possible cause for concern, although when addressed from a human dignity and rights perspective, it becomes acceptable; it is necessary to ensure that it does not achieve absolute priority. Rawls leaves no place for religion or morality in his principles of justice, although his later overlapping consensus creates a platform for people with different beliefs and points of view to reach a consensus. Despite his lack of common good and his insistence that the right is prior to the good, Rawls places great value on community, particularly with regard to moral formation and uses gifts and talents for the betterment of everyone.

Niebuhr is far more pessimistic than Rawls about human nature and the achievement of justice in society. His Christian realism takes seriously the presence of sin in the world, as well as the grace of God. He emphasises responsible contemplation and action to make the world more just. Although pride and sensuality influence our judgement, he insists that we must always aim for a higher justice, while emphasising that the struggle for justice will always be a struggle. Niebuhr's faith is inseparable from his discussions on justice, and for him it is impossible to achieve justice in any measure without the grace of God.

The insights of both Rawls and Niebuhr are enlightening, but a justice which seeks to be more than fairness must move beyond the contract theory proposed by Rawls and take seriously the plight of humanity in an unjust world. Anticipating justice without taking seriously the injustices in society would be a grave mistake. The five themes which are discussed in this chapter (poverty, moral reasoning, human dignity, community and a global world) offer insights which build on Rawls and Niebuhr, but which also pose challenges for future engagements.

Taking poverty, oppression and injustice as a starting point for talking about justice can be helpful in certain situations. The biblical preferential option for the poor is undeniable, and needs to be a part of any justice discussions. Meeting the basic needs of people is also often not enough; their capabilities need to be adequately met, too.

It is possible for theology to offer a transforming worldview by means of critical discussion. Justice is not only about the economic and political injustices, it needs to incorporate ethical and moral discussion and reasoning. Theology can offer a language of sin and sacrifice, both of which can greatly enrich understanding of injustice and development of justice.

Restoring human dignity is central to justice; it is important to take people seriously and listen to their side of the story. Biblical ethics remind us of the inalienable dignity of each person and remind us to take seriously the need which each person has for respect. Justice without dignity cannot be true justice.

Community is an important part of moral formation. It provides us with meaning in our lives and a place where people can learn how to behave in a just way. Community must take human dignity seriously and be a place of justice and equality. The church community should offer a place where people can seek refuge from the evils of the world and should also be a place where moral formation takes place and where people can learn to see the world differently and act accordingly. The importance of liturgy, worship and prayer needs to be taken seriously, as well as the necessity of the church's social involvement. The church can offer a safe space for dialogue to take place, where people can share their stories. As part of our community, it is necessary to also take seriously the plight of the earth and the animals.

Beyond the community, justice extends to a global level, which brings with it its own set of complications. Not only do different groups and traditions need to exist in harmony with each other, but radical differences in wealth and power need to be more evenly distributed. Tolerance, in a positive version, is necessary to accept differences on global and on local levels. Respect for people and for their practices is necessary if prejudice is not going to lead to oppression and injustice. At the same time, tolerance must not lead to apathy.

The eschatological hope which is found in Christianity also offers a very specific hope, which is accompanied by responsibility to make the world a more just place. For Niebuhr, the eschatological hope was a call to action. While recognising the imperfection of any human attempt at justice, there

is always a responsibility to respond to what we know will be perfected in the future. We are called to be critically challenging and to try to find a better and more equal justice.

Theology can offer a very specific ethical discourse to justice discussions. Not only does it take seriously the dignity of each and every person but it also involves itself in political and economic life. It affirms what is good, and critiques that which is less desirable. In a Christian community, Christians can learn to be Christians in the world. This means living in a way which is ethically responsible and takes justice seriously. It also means living in the hope that the way things are can change. It is not only outward but also inward facing. Always critical of civil society, it is important that the church is critical of itself, too, and does not develop a superiority complex or become too proud.

4.2 Rawls's fairness and Niebuhr's love

4.2.1 John Rawls

John Rawls's theory of justice (I refer here specifically to the two principles of justice developed in the original position) is dependent upon both a social contract which is acceptable to all members of the society and just institutions to promote justice in society. This, however, paints a very idealistic picture of society. Not everyone, possibly not even many, people will accept the same principles of justice and institutions will probably only have limited success in promoting justice without the cooperation of individuals of the community. Rawls did, however, offer a profound alternative to utilitarianism, and much of the work that was done on justice in the late 20th century is a response (whether critical or affirmative) to his theory of justice.

Rawls accepts the moral nature of people (this is often inferred, rather than explicitly stated) although he leaves no room for morality when talking about justice in the political realm. Although there is much to be critical of in his work (such as the priority of the right over the good), there are important lessons to be learnt as well. The fact that people are moral beings, deserving of liberty, self-respect and certain basic needs which must be met provides us with building blocks when talking about justice. While the theory of justice as fairness might fail us as a theory, the content offers valuable insights into the functioning of society, particularly in his later work, and enriches any debate on justice.

Rawls has been criticised for the priority which he gives to liberty, but this is not an absolute priority and emphasises the necessity of freedom in ensuring that equality is as fair as possible. The connection between liberty and human dignity is of the utmost importance when addressing this subject. If society accepts the liberty of all people, will equality not follow more easily? Equality does not guarantee liberty, but then again, liberty does not guarantee equality. So how do we prioritise the two? Is it better that people are equal, but lack dignity, or have dignity but lack equality? What Rawls, and many other theorists, seem to presuppose is that basic needs are met in discussions about justice and equality is implying something far more than providing all people with food, adequate shelter, clothing, education and medical care. Once these needs are met, the liberty of the people becomes important. Their establishment as full, participating members of society is essential, as is the assurance that they will be capable of making full use of the resources presented to them.

The second principle (fair equality of opportunity as well as the difference principle), sets high standards for society, probably impossibly high standards. It presents a clear challenge for a redistribution of wealth in society. What is not made clear is how a system for redistribution would

work. The proponents of the capabilities theory would disagree that equality of opportunity and the difference principle are enough. Giving individuals the means to live a certain standard of life is worthless if they are incapable of making use of these resources (Rawls makes this distinction when talking about the worth of a liberty). It is perhaps necessary to accept that the majority of people, given an equal opportunity and the means to fulfil certain goals, would live a certain way and participate in society in a relevant and responsible way.

Rawls leaves no place for religion, morality or love and benevolence in the public and political discussion of justice. “Morally justifiable principles” are not necessarily as unacceptable as Rawls would have us believe (Rawls 2003:190). Rawls quotes Aristotle that it is the common understanding of justice inherent to men and women that makes a polis. But surely this ties us into a community? Our idea of justice is not amoral or irreligious. There is surely a close relationship between justice and the religious, or at the very least, communal nature of human beings. While a rational argument can be made for the value of human life and the importance of human dignity (cf. Kant), the inherent moral implications of this for human life and human dignity cannot be denied. Rawls speaks of a comprehensive view of justice, which will then include “conceptions of what is of value in human life, as well as ideals of personal virtue and character, that are to inform much of our non-political conduct” (1993a:174). This is excluded from both the principles of justice and the political conception of justice in particular.

Rawls draws important parallels between self-respect and self-confidence and being a fully participating member of society who can have their needs met and achieve their goals. Having a suitable plan for life is a good which all people should have. This is different to the idea of the right. But, for a rational person, their good plan will fit in with what is right and the right is determined by the principles of justice. For Rawls, people should

be left alone to determine what their life plan is without involvement from the state, so long as they do not violate the rights of other people. Maybe the right fits better into policies and laws, where the good is determined not only by individuals but by their communities and their involvement in society but nevertheless does include some conception of what is right. Faith communities and social groups determine what a person looks for in life. These connections are undeniable and play a large role in developing self-esteem and self-respect. They also become a place where the value of each person is affirmed. Rawls does not deny the influence of various relationships and associations on the moral formation of the person; he merely attempts to keep the personal moral opinions out of the debate about justice.

For Rawls, the idea of having just principles governing society is partly to establish a just way of life in that society. He sees the sense of justice in society increasing in direct proportion to the loyalty between people (between individuals, their communities and society as a whole). The importance of the principles of justice lies in their neutrality. They do not appeal to a certain religion or philosophy. They create a space in the political where an overlapping consensus becomes the standard – religion, morality and philosophy move to the background allowing the political (unencumbered by any doctrine) to become the determiner of actions.

Rawls himself acknowledges in later works (most notably *Political Liberalism*) that pluralism plays an important place in society. Provided people and doctrines are ‘decent’ they can participate in a democratic society without necessarily accepting the same rules of justice. The overlapping consensus in turn creates a space for people to talk of their specific, comprehensive views; that is, the religious, moral and philosophical influences. If people have already agreed that certain principles are just, they cannot suddenly decide that they are unjust. So the idea of the overlapping consensus, or something similar, can be a

starting point, or a platform, for dialogue between various disciplines. Rawls thus moves from excluding morality in his earlier work to making a space for it later.

Rawls's moral psychology, which maintains that justice is formed in communities, is an important part of his work which is sadly neglected, often to the detriment of his theory of justice. It shows that justice is not an individualistic notion but is formed by and applicable to the various relationships and associations in the society in which we live. The idea of respect is not asocial, but finds its very root in the way people interact. Rawls connects this to the idea of reciprocity; when we realize that other people wish us well and want the best life for us, we will want the same for them. Although this will not stretch so far as to make altruists of people, and most people will not act only out of benevolence, the majority of people are interested in the community beyond themselves and they have political, social and cultural interests.

Community is important for Rawls and not only the immediate community, but also the links between generations. Each generation can benefit from previous generations, and the present generation in turn leaves something behind for the future generations. Justice is not only about fair practice and equality at the present time, but ensuring that what is happening today will have just consequences in the future. It is here that we begin to talk about redress and reparations for past injustices.

Gifts and talents are complementary; science (and scientific discovery) is interlinked between generations and between people and art is also dependent upon others (such as an orchestra, which needs all the different players). Sport is another example of how the talent and commitment of many different people lead to success as well as forming a common ground for drawing together supporters and fans from different communities and

social backgrounds to enjoy the one thing they have in common in supporting their team. This once again enforces the importance of community. It is in such a social setting, a community where people are inherently dependent upon each other for realizing their goals, that a sense of justice can be fostered. Rawls believes that people in a community who are relying on the skills and expertise and assistance of others should behave in moral way (for Rawls, in a way which is in accordance with the principles of justice). One of the aims of Rawls's theory of justice is to allow people the opportunity to pursue a good plan for their lives. This plan relies on community for its fulfilment; it does not stand in isolation from society.

It is the task of the institutions of which society is comprised to formulate justice in a way which will give each person the best opportunity to reach their goal. These institutions encompass the family, the broader associations made in society (school, clubs and the like) and finally the broader public community. Each individual in turn, should have a sense of responsibility to the members of the various associations and communities and respect their rights.

4.2.2 Reinhold Niebuhr

Niebuhr's Christian realism stands in sharp contrast to the ideological principles of justice put forward by Rawls. His realism accepts the realities of the world, and the pain, suffering and injustice which are a part of life. This realism stands in contrast to the eschatological hope which is grounded in faith and realized in love. For Niebuhr, love always remains the ultimate goal which is unattainable in this world. Love does not need justice because it is perfect justice; but because of the failure to fully realize love on earth it will always be only imperfect and therefore justice is a necessity. Niebuhr's justice developed in response to the social injustice which he saw every day.

A driving force behind Niebuhr's work was his belief that people not only should take responsibility but that they can take responsibility. If people thought and lived in a way which was ethically responsible, it would make a difference to history and change society. Niebuhr's thought was always inherently connected to the current political situation and the social issues of the day received his attention. This is a reminder that we live neither in a static environment nor in a vacuum. It is imperative to respond in a responsible way when addressing the issues at hand and developing a culture of justice in response to the injustices in society.

We have a subjective view of reality, which means that our truth is never the truth. People are prejudiced, and will seek to look after their own political, economic and social interests. Contrary to Rawls's opinion, Niebuhr sees the struggle for justice as being a continuous struggle because people will never voluntarily give up their power and self-interest. However, people are capable of finding common ground between opposing interests, which has been proven in society by the justice which has already been achieved. It is humanity's anxiousness at being unable to control its destiny that leads to injustice. The realization that we are finite beings leads us to attempt to attain infinity and achieve freedom from the natural constraints placed on us by our humanity.

Sin as pride and power plays a pivotal role in Niebuhr's work. For Niebuhr, the corrupting force of power leads to injustice. With power, people tend to forget their finiteness, and think that they can control their destiny. Conversely, sin as sensuality represents the attempt to ignore the finiteness rather than trying to overcome it. People seek to immerse themselves in over-indulgence, consumerism or finding another god, be it person, state or status. Sin as pride also warns against assuming that we know everything, and that our way is the right way. We should never confuse our truth with the truth and we should always search for a higher and better justice.

Taking responsibility for our lives negates the sin which is ever-present, and yet unnecessary. In the Biblical law of love there is peace instead of tension between freedom and finitude. For Niebuhr, justice is a result of reason, not benevolence. But reason can never be so pure as to be true justice; power, pride and sensuality will always be corrupting forces which make justice less than just. The presence of sin makes an ideological theory of justice impossible. Our anxiety about our finiteness will always push us to protect what is our own, more so in a group than individually. The culture and lifestyle which the rich and powerful want to protect leads to social inequality and justice. However, Niebuhr sees class loyalty as being easier overcome than national loyalty.

A higher justice, which is interpreted by Niebuhr as a more equal justice, means the right to the goods which not only sustain life, but promote a good life. The church offers an alternative to the ideological principles of justice; by acknowledging the sin in our lives, and the corruptive forces of power and wealth, we can be better equipped in our attempts to realise the eschatological goal of absolute equality. The responsibility of the church as the people of God is not really given attention in Niebuhr's work, but is something which can be derived from the passion with which he approached his work as pastor and lecturer as well as the way he lived his life. It is important to ask how the church community functions in an unjust society to make it more just, and more equal, and to attain better life for all people.

Although love might be the motivation, and love as the telos is the hope, love in the present is an unrealistic hope for no one can love perfectly and benevolence will not create a just society. Niebuhr describes justice as a rational form of love, the rules of which will keep people from taking advantage of each other.

Niebuhr's faith is inseparable from his view of justice, and particularly his ideas about the nature and destiny of humanity. The cross plays an important part in calling people to act responsibly, as does the eschatological hope that will find its fulfilment through God, rather than people. For Niebuhr, religion is not a security blanket. Rather, it creates uneasiness about the world we live in, about our social values and about our idea of justice. We can never accept what we know as the truth, we must always search for a higher truth, a more equal justice and a better way of living. Faith is a motivation for action, and it needs to be complemented by a social intelligence.

Agape love should be the yardstick by which justice is measured. Our human destiny requires us to live a lifestyle of responsibility and positive action in response to the grace of God as revealed on the cross. Personal morality is of the utmost importance, and is necessary to cultivate a group morality. Thus the responsibility of the individual is once again highlighted but we can never escape the community which is a part of this responsibility.

The importance of a prophetic faith when talking about justice gives hope to the situation and calls each person to meaningful action. There is no Christian economic system or Christian government, but there is a Christian response to social, political and economic challenges which can help shape life in way which is meaningful, just and equal by respecting the inherent dignity of every person in the community – valuing them not because of their merit, or their virtue, but valuing them as a person. Equally important is being intensely critical of the Christian community and Christian involvement itself in society; avoiding the pride which Niebuhr warned against and accepting the fallibility of theology and the church by remaining self-critical is an essential facet of a Christian approach to justice.

Justice is not a once off creation of just policies. It is too easy for justice to become injustice and so our policies need to be continually evaluated. And since our goal is always a higher justice, we can never be content with what we have achieved. Although Niebuhr does not use the word toleration, he does speak of the importance of one group achieving a degree of reason and sympathy with others, so that they can see the viewpoint of the others and understand their interests as vividly as they understand their own interests. He, however, sees this as lying well beyond the capacity of human societies.

Rawls offers us two principles of justice, the merits of which have been discussed. Although they have their problems, they offer us a tangible goal. It may not be possible to increase the benevolence of people, but they can be encouraged to allow others a space to live out their lives with dignity. Part of this dignity is being heard and not being shunned by society. Part of this dignity is being given a space to use the resources which society provides in as equal measure as possible. Part of this dignity is being given the capability to use the resources, and where the capability is lacking, acquiring additional resources. Perhaps part of having the capability to live a good life is having liberty because without freedom all the basic resources are not of much good. What good is it being able to read and write, if what you read is controlled and what you're allowed to write is restricted?

Rawls highlights respect as the most important good, and this is closely related to Niebuhr's idea of pride and anxiety resulting in injustice. It is the unwillingness to relinquish power which causes people to abuse and misuse others and it is their greed which refuses to allow them to give other people a voice or a chance to live their lives in a dignified way.

Niebuhr realized that our truth is never the truth and therefore our rationality can never be neutral. Thus, we will always be speaking from

the position of either the oppressor or the oppressed. However, this becomes a challenge hard to overcome, because of the lack of liberty and dignity which results from the injustice amongst the oppressed people.

What we need to ask is how Rawls's principles of justice and just institutions can be put into practice in a world which is not entirely rational or reasonable. As Sen puts it, we have to think about

how institutions should be set up here and now, to advance justice through enhancing the liberties and freedoms and well-being of people who live today and will be gone tomorrow. And this is exactly where a realistic reading of behavioural norms and regularities becomes important for the choice of institutions and the pursuit of justice. Demanding more from behaviour today than could be expected to be fulfilled would not be a good way of advancing the cause of justice" (2009:81).

Institutions, he says, should promote justice rather than being mere "manifestations of justice" (Sen 2009:82). Sen suggests a framework for public reasoning where all aspects and demands of justice can be considered (2009:91). To be effective, institutions need to express what enough people feel to sustain an important role in creating social and economic equality (Nagel 1991:96). People need to be made aware of unjust behaviour, and often this will mean making people aware of how they are benefitting from the injustices in society.¹ Theology can offer a critical response to the injustice in society and the proposed theories of justice.

¹ Nagel writes that we need "a psychological and institutional transformation which would permit innovation and cooperative production without generating substantial inequalities of reward." He suggests that a starting point could be to cultivate an "intergenerational shift in people's sense of what they were entitled to" (1991:125-126).

4.3 A Critical Theological Response

Reformed theology promotes the idea of not only serving God in the public realm through various social services, but actually transforming the economic, political and social world where possible.² The church stands apart from the political realm, though. Perhaps the move away from established religion is a call to the church to take a firmer stand for specifically Christian values and offer a clear and firm alternative to the amoral attempts of liberalism and secular society to create a pluralistic, tolerant society.³ Max Stackhouse sees the task of theological ethics as discerning the “operating values and norms” which form the “scaffolding for organizing of common behavior and moral debate in an institution, movement, organization, or tradition, even if many people hold, as personal convictions, other values and norms” (Stackhouse 2000:10). But theology then goes a step further to determine whether what is going on ought to be going on by offering guidance about how “a more valid ethos” might be developed (Stackhouse 2000:11-16).⁴

² We know God as a God of justice and love and this is what it is necessary to proclaim in the world. Duncan Forrester, and Walter Brueggeman, offer arguments to substantiate this claim. “Christians believe in a God of justice and of love; and more, they teach that God is justice as God is love. In our experience of God we encounter both love and justice and learn what they are. Christian therefore claim, however tentatively and provisionally, to know what justice is because God reveals himself as justice and as love. The insights into justice which arise from revelation, in worship, and in experience, are often fragmentary and frequently hard to relate to conventional accounts of what it is. But because they believe these insights are true, Christian down the ages have sought to relate them to the accounts of justice which prevail in the public realm and have struggled with the questions of how and when justice may be realised” (Forrester 1997:205).

“One of the crucial insights of the Bible is that God is on the side of justice, i.e., God is concerned for the well-being of those who lack power to secure it. God is presented as aware that, in the unrestrained process of social life, injustice will develop because some have more power than others, and those with power will use their power to secure greater self-advantage at the expense of the less powerful and the powerless. If unchecked, the unequal distribution of power expressed as injustice will enhance some, while others are robbed of their dignity and well-being” (Brueggemann 1976:105).

³ In *Church, State and Civil Society* David Fergusson (1998) argues that the end of Christendom, and the disestablishment of the church, can lead to a more differentiated approach in dealing with civil society.

⁴ Robert Veatch offers similar thoughts. “*Despite the claim that the definitive gap is not between those who are explicitly religious in their starting point and those who believe they are more secular, the question of justice may be one area of ethics where theology does make a difference.* For the other basic ethical principles in most ethical systems there is substantial agreement among the philosophers and the theologians... *The key working assumptions of the egalitarian secular philosophers are based upon or compatible with the theological assumptions of those in religious ethics: an infinite making*

Coherent arguments that are reasonable and critical without becoming too emotionally involved in the situation, while remaining empathetic need to be a part of justice discussions. There needs to be clear thinking and objective reasoning when talking about justice and morality, and particularly when talking about political and social sciences.⁵ Ethics, morality and theology greatly enrich any discussion on justice; justice is not an exact science and no formula can be applied to unjust circumstances. Justice does not exist in a vacuum and so dialogue and communication are an indispensable part of justice. There is no clear, immediate and universal theory of justice or even principles of justice. Amartya Sen, in *The Idea of Justice*, emphasises the importance of realizing that failure to achieve absolute justice is not, in any way, negative (2009:103). Justice, and theories of justice, will always be incomplete; a constant work-in-progress. The process of critical dialogue and arguments are far more important than bold assertions of justice and remove the emphasis from attaining a perfect justice to lessening injustice and inequality. Theology is able to play a crucial role in critical dialogue with other disciplines when talking about justice.⁶

finities equal, some prior claim on apparently unowned resources, and a notion of human responsibility. It looks strangely like Judeo-Christian theology once removed... it looks like the doctrines of God, creation, and stewardship. If those are really Judeo-Christian theological assumptions, while the anti-egalitarians are making contrary faith moves derived from some other sources, then here is one point where at least indirectly theology makes a difference" (1986:111-112 my italics).

⁵ Sen points out the difficulty of ethical questions involving a complex mixture of philosophical, religious and factual beliefs (2009:41).

⁶ Biblical, historical and systematic theology can all play an important role in developing a particular theological contribution. Smit mentions six possible ways in which theology can contribute to the dialogue: "Firstly, this specific theological perspective brings an eschatological (in philosophical terms: teleological) orientation to the discourse. It speaks a language of hope. ...

Secondly, because of this eschatological orientation, it strengthens critical and self-critical thought. This theology encourages those involved in working for justice, particularly those in legal, political and economic spheres. ...

Thirdly, based on the content of the Biblical traditions, particularly as they have come to be understood in certain twentieth-century contexts of historical injustice, this theological perspective advocates a view of justice that takes the perspective of those who suffer under such injustices very seriously. ...

Fourthly, it is therefore to be expected that this theological perspective will show a special sensitivity for all those – individuals, groups and categories of people – who suffer forms of injustice, oppression, rejection, exclusion, violation or abuse. For this reason, the church sometimes, under specific historical circumstances, feels itself called to be a voice for the voiceless, a public conscience, an advocate for the oppressed, or a critical, prophetic challenge to authorities and powers. ...

For some social problems to reform, moral transformation is necessary. For some injustices to be overcome, ethical and moral reasoning is needed. Values are indispensable when thinking about the right way about life and the lives of others.⁷ We are not beings who can be programmed to live in the right way or will live the right way simply because it is part of the law; we are spiritual beings who long to live in a meaningful way which sustains life and adds value to community. We are social beings who do not determine right and wrong based on idealistic principles; our judgements are formed in community by our beliefs and by the way of life which surrounds us. The complexity of justice is demonstrated by Michael Walzer by approaching the various spheres of life and the different approaches required in each one to ensure just standards. He goes on to speak of the relativity of justice and how closely related justice is to the specific community and the specific epoch (Walzer 1983:312). Max Stackhouse also speaks of the “spheres of life” which “implies that, while some areas of life may be rooted in creation, others may be rooted in the functional requirements of human living in complex societies. These demand the formation of viable institutions that cannot be controlled by family, regime or traditional religion” (2004:182).⁸

Fifthly, this theological perspective understandably shows a strong affinity for those theories of justice where the dignity of the human person is regarded as central. ...

Sixthly, for that reason, contemporary ecumenical theology (after earlier hesitation) also strongly supports theoretical paradigms in which human rights, as the concrete embodiment of the inalienable human dignity, are central” (2005:229-233).

⁷ Sandel quotes Barack Obama, in his “Call to Renewal Keynote Address” given in Washington, D.C., on 28 June 2006: “Our fear of getting ‘preachy’ may ... lead us to discount the role that values and culture play in some of our most urgent social problems,” Obama said. Addressing problems such as “poverty and racism, the uninsured and the unemployed,” would require “changes in hearts and a change in minds.” So it was a mistake to insist that moral and religious convictions play no part in politics and law” (2009:246).

⁸ Recognising the different spheres which make up our lives adds a new dimension to where and how justice functions and how the right and the good are intertwined. “The classic theological “spheres” are “orders of creation” which God established – familial, political, economic and religious. However, today it is more widely recognised that economics, culture, science and technology are distinct spheres apart from family, regime and religion” (Stackhouse 2004:182).

Rawls placed the right prior to the good and rejected any theory of justice based upon a common good. While the freedom of a person remains important, the conceptions of what a good life comprises are formed in society and it becomes impossible to reason about justice without taking into consideration our position in that society.⁹ A religious community (as one form of community in society) forms a place where values are learnt and passed on from one generation to another.¹⁰ It should also be a place where people are welcomed regardless of class, race or gender. It is in community that we find the argument for and justification of human rights, human dignity and respect.¹¹ This stands in stark contrast to the non-moral justification which is sought by Rawls, where justice and its undergirding principles become almost clinical in their detachment. Community provides the morality for rights. This does however run the

⁹ David Fergusson argues that moral codes can only be understood as forms of social life and inherited traditions (Fergusson 1998:2).

¹⁰ Rasmussen places a lot of emphasis on the dignity of all people, which means that they need to be treated with respect in society. This dignity finds a special place in Christian ethics. "For life in community all deserve attention and an unexceptionable rule that no one is to be casually sacrificed. Each person is immeasurably dignified by God. No one is an alien and barbarian or belongs at the bottom. Nor dare any be consigned to silence or deprived of those powers that mean full participation as members of the community. Here we find the basis for universal human rights. People are to be cared for when they cannot care for themselves, they are to be respected no matter which class they belong to, and they are to be accorded privacy when they do not break the law, and treated and tried fairly when they do... for Christians, all have intrinsic value as God's creatures. All are sacred whether or not any are good... this means living as if the barriers between rich, poor, and underclass were not the givens the present economy says they are; living as if the chief actor of the past two hundred years, the nation-state, were no longer the only chief power, since it is now too large for local problems and too small for global ones; living as if the world were indeed a single public household or world house... living as if we constituted a single moral community wrapped in a common garment and shared destiny" (Rasmussen 1993:149).

Hollenbach emphasised that religious faiths influence the government and policy-formation most often in an indirect way. "The impact of religion on politics understood as the sphere of governmental activity is mediated through its influence on the multiple communities and institutions of civil society and on the public self-understanding of a society called culture (1993:878).

¹¹ Walzer notes the difference between self-esteem and self-respect, and the link between self-respect and honour. Self-esteem is defined as "a favourable appreciation or opinion of oneself," while self-respect is "a proper regard for the dignity of one's person or one's position." Thus, self-respect is "dependent upon our moral understanding of persons and positions." Respect is judged by a certain standard – whether it's self-respect or respect shown by others (2004:274). De Lange explains the difference as follows: "Self-respect is seen as the subjective internalisation of the dignity belonging to status worth. Self-esteem is the internalisation of social merit in the concrete context of particular communities. ...self respect is an egalitarian notion, independent of personal achievement. It is based on the moral dignity that all human are equally entitled to as rational beings or creatures of God" (2007:215).

danger of excluding those who are not a part of the community. It is imperative that communal loyalty does not become parochial.

Seeing justice as both policy and virtue gives a different perspective. MacIntyre distinguishes between the two. He views justice “as a virtue of the individual and as an ordering of social life” with justice as a virtue being subject to and definable by justice as rules (1988:122).¹² Can we, or should we, separate justice into fairness and rights on the one hand and arguments about honour, virtue and moral desert on the other? Aristotle, for example, connected justice with honour and virtue. Modern theories of justice try to keep the ends neutral, allowing people to choose their own ends (Sandel 2009:187).¹³ But our lives are inevitably bound up in justice and the political sphere should be the concern of all people. A critical theological interpretation of justice can offer enduring insights.

¹² For justice to be effective, it is necessary for people to obey a set of rules which define their relationship with others in pursuit of their goals. “For justice defined in terms of the goods of excellence, *justice as a virtue of individuals is definable independently of and antecedently to the establishment of enforceable rules of justice*. Justice is a disposition to give to each person, including oneself, what that person deserves and to treat no one in a way incompatible with their deserts. *The rules of justice, when they are in good order in terms of this conception of justice, are those rules best designed to secure this outcome if they are observed by everyone, including both the just and the unjust*. So someone may obey the rules of justice and yet be an unjust person who obeys the rules only from, for example, fear of punishment. But for the justice that is designed to serve the goods of effectiveness a perfectly just person is no more and no less than someone who always obeys the rules of justice; until there exists an enforceable set of rules defining what is required of the relationships of each person to every other in the pursuit of their particular goals, the concept of justice lacks any content. *When such rules have given it content, the virtue of justice is nothing other than the disposition to obey those rules. So the virtue of justice is, on this latter view, secondary to and definable only in terms of the rules of justice*” (MacIntyre 1988:39 my italics).

¹³ For Aristotle, politics and being a good citizen was essential for a good life since it was an expression of our nature and a place where our human capacities could develop. “We can now see more clearly why, *for Aristotle, politics is not one calling among others, but is essential to the good life*. First, the laws of the polis inculcate good habits, form good character, and set us on the way to civic virtue. Second, the life of the citizen enables us to exercise capacities for deliberation and practical wisdom that would otherwise lie dormant. This is not the kind of thing we can do at home. We can sit on the sidelines and wonder what policies we would favour if we had to decide. *But this is not the same as sharing in significant action and bearing responsibility for the fate of the community as a whole*. We become good at deliberating only by entering the arena, weighing the alternatives, arguing our case, ruling and being ruled – in short, by being citizens. *Aristotle’s vision of citizenship is more elevated and strenuous than ours*. For him, politics is not economics by other means. Its purpose is higher than maximizing utility or providing fair rules for the pursuit of individual interests. *It is, instead, an expression of our nature, an occasion for the unfolding of our human capacities, an essential aspect of the good life*” (Sandel 2009:199-200).

In the following argument, five such conceptions are developed in dialogue with the thoughts of Rawls and Niebuhr. They are certainly not exhaustive, but are rather five points which have developed from the critical study of Rawls and Niebuhr and are therefore pertinent to the critical dialogue of this thesis. Theological insights form the basis of the discussion, but this does not imply exclusivity; the five points are certainly relevant to all people regardless of faith. However, the discussion pursues a theological critical direction which hopes to enrich theological debates on justice and offers an insight as to how a Christian notion of justice may be developed between fairness and love.

Firstly, theology should take seriously the plight of the poor and the oppressed. It can advocate for those who cannot speak for themselves, and offer a platform for dialogue between the oppressed and the oppressors. The biblical preference for the poor offers a firm grounding for caring for the less fortunate.

Secondly, theology can also provide a critical approach to justice, seriously considering all the aspects involved. The moral reasoning and ethical approach enriches the political and economic debates. Theology should always remain self-critical, too, and not fall into the trap of pride and self-righteousness.

Thirdly, theology takes human dignity seriously, firmly entrenched in biblical roots. It should always advocate for all people to live lives which are free from shame, where people are empowered to make decisions and live a good life, being able to participate in community where they can feel secure.

Fourthly, theology realizes the importance of community for sustainable life. Individuals are dependent upon each other. It is in community that growth takes place and it is here that morals and values are learnt.

Community provides a sense of belonging, and hopefully a sense of security, where people can feel that they are taken seriously.

Lastly, the borders of all aspects of our lives are ever-increasing, and justice is no longer relevant only for our immediate community or nation, but needs to be seriously considered internationally. This comes with its own tensions and challenges as a universal concept of justice clashes with specific cultural and religious concepts.

4.3.1 Justice and Poverty

It should be impossible to talk about injustice without talking about poverty. Poverty is so closely related to a lack of dignity, and is inseparable from powerlessness. Poverty is often the result of unjust institutions, although sadly, it is often regarded as the fault of the poor people themselves, thus giving society reason to avoid responsibility. Poverty is unfortunately not directly addressed in the work of either Rawls or Niebuhr. They both appear to largely ignore the plight of the poor in their work on justice, rarely mentioning the people who are starving and lack access to basic resources such as clean water, electricity, housing and health care. Although equality and liberty are clear features of their work, the poor are not necessarily seen as suffering more than others and facing unique challenges. Rawls's difference principle can be regarded as a form of preferential option for the poor, which shows how closely he associated injustice with poverty.

The idea of a preferential option for the poor has long played a crucial role in theology discourse on poverty and justice. Heinrich Bedford-Strohm speaks of a preferential option for the poor when speaking about justice which not only focuses on overcoming the material poverty, but is closely

related to giving the people a voice in the community.¹⁴ There are numerous rationales for an option for the poor including the creation of humanity in the image of God (Catholic), the proximity of God to the weak (*Bundestheologie*) and the theological statement that God did not only become human in Christ but that that God revealed himself as poor (*Kreuzestheologie*) (1993:294-297). Thus, there is strong theological reasoning for protecting the poor and including them in society rather than leaving them struggling at the periphery.

Lebacqz speaks of an “epistemological privilege” to those who are poor and oppressed (1987:61). Those who are on the wrong side of injustice are better able to understand its oppressive and corruptive nature than those who are benefitting from the injustice. If principles of justice are to be developed fairly and if it is our hope to overcome injustice, we cannot begin from an ivory tower because the needs and desires of the poor and oppressed need to be heard. Too often the church has judged the poor, too. Poverty is often seen as either a punishment from God, or a special state given by God from some reason (Lebacqz 1987:45). Such judgement will not allow a space for overcoming poverty and gives a reason for oppression. The fragility of justice suggests that there must be a concern for providing sufficient power for the oppressed to negotiate for justice (Lebacqz 1987:146).

To know and respect a person’s intrinsic value is crucial for enacting justice. Lebacqz points out the necessity for the oppressed to appreciate their own value before they can “rage against injustice” (1987:89). It is essential to understand the different viewpoints of the rich and poor, of the oppressors and the oppressed. When we speak of a preferential option

¹⁴ Bedford-Strohm (1993) discusses the preferential option for the poor which developed in American liberation theology as well as the emphasis which the option for the poor as put forward in the pastoral letter from the Catholic Bishops 1986. He examines the crucial question of “who are the poor” and looks briefly at the biblical roots of this idea. He concludes that the option for the poor can be used as a critical scale for the validity of concepts. In the work of John Rawls he finds a philosophical, and therefore non-Christian, use of the preferential option for the poor in a theory of justice.

for the poor, we are speaking of granting dignity and value to human lives which are often considered worthless, and allowing the people at the bottom of the community a chance to voice their story and share in the resources which other people, the wealthier people, take for granted.¹⁵

Creating a space for the poor is but one part of justice. Inclusion of the oppressed people is important, but so is the remorse of the oppressors. Saying sorry is not enough. It is necessary that someone, generally a group of people, take responsibility for the past. By acknowledging the injustice committed, the dignity of the people can be restored. Lebacqz says that “grief, or remorse, is crucial for keeping alive historical memory” (1987:116). It is important to remember that some goods are not exchangeable and that some transactions are not exchanges (O’Donovan 2005:36). Poverty may be an important aspect of justice, and a very serious injustice to redress, but the correct distribution of wealth cannot create justice, not by itself. It is essential to realize the equal worth of all people, so that they can gain respect and dignity, rather than only monetary or material wealth.¹⁶

Sen proposes looking at the capabilities of a person, rather than their utilities or happiness. His idea is that in a theory which takes human capability seriously people are not only provided with resources and

¹⁵ “To know that one has value is to affirm the particularity of one’s existence: “my humanity includes my thinness, my fatness, my shortness, my tallness, my big nose, my small ears, my blackness or my whiteness” And to this list, one might add: my femaleness, my disability, my age, my poverty, my imprisonment – or any other characteristic used for discriminatory and oppressive purposes. Instead of an affirmation of the value or ‘alien dignity’ of humankind in general, what is needed is an affirmation of the value and dignity of the specific person in her or his community” (Lebacqz 1987:89-90).

¹⁶ This sounds like such a trivial argument when there are so many people starving in the world. Of course, it is of the utmost importance to ensure that all people have enough to eat, and that children are not malnourished. But it is equally important to realize the necessity of justice beyond food and clothing; freedom, dignity, respect and capability being a few of the necessary components of justice. Forrester argues that “at the heart of the notion of equality lies the conviction that each person is of infinite, and hence equal, worth and should be treated as such” (Forrester 1997:30). It is imperative that policies reflect the equal worth of people, and thus their dignity (treating them as ends rather than means).

opportunities, but also held accountable for what they do; “freedom to choose gives us the opportunity to decide what we should do, but with that opportunity comes the responsibility for what we do – to the extent that they are chosen actions” (2009:19).¹⁷ This approach moves beyond the means of living (such as Rawls’s primary goods) to the actual opportunities of living because people are not necessarily capable of using the resources at their disposal (Sen 2009:254-7).

In a similar way, Veatch suggests that equality should refer to the outcomes rather than the opportunities available because this will take into consideration social, psychological and biological factors.¹⁸ What can be suggested by equality of outcomes is a set of circumstances in which people have an equal opportunity to flourish despite their differences even if the outcomes are not equal.¹⁹ The capabilities approach is both a

¹⁷ He later goes on to emphasize that “the capability perspective is inescapably concerned with a plurality of different features of our lives and concerns. The various attainments of human functioning that we may value are very diverse... The capability that we are concerned with is our ability to achieve various combinations of functionings that we can compare and judge against each other in terms of what we have reason to value” (Sen 2009:233).

¹⁸ Veatch explains what he means by equality of outcome: “Ultimately, what we are really after is something like equality of outcome (with some very limited qualifications). Exactly what this means will require more analysis. It is neither equality of moral worth nor equality of opportunity. Equality of moral worth will be a necessary precondition, but it will not be sufficient. Equality of opportunity will often further that goal as in cases where extraneous social, psychological, or biological factors are excluded from consideration. In some cases, however, when people have differing needs or differing abilities, this kind of procedural equality of opportunity will actually hinder equality of outcome. In those cases we abandon equality of opportunity as defined by everyone having an equal chance to compete for some resource. When needs are different ... we distribute on the basis of need replacing equality of opportunity with equality of outcome. When abilities differ, we, with some exceptions, give special consideration to those with lesser ability – we give them a handicap – so that they have an equal shot at a desired outcome. That may be considered equality of opportunity (i.e., opportunity for a given level of well-being), but it is a far cry from the liberal, procedural notion of equality of opportunity.

A commitment to equality as the meaning of justice and to a sense of responsibility to use social resources – including people’s intellectual and physical resources – to move society toward greater equality has radical implications for a wide range of public policies: competitive sports, competition in the marketplace and in the classroom, and in just about all other phases of life” (Veatch 1986:149).

¹⁹ Equality is not realistic because of our inherent differences, but when inequality is a result of power, equality is a suitable end for which to aim. “Equality, taken by itself, is not realistic. Persons are not equal. They are different. But when we must deal with persons in large groups and in whole societies, equality becomes an instrument of love by opposing all the inequalities that do not result from love, but from the exercise of power over those in need. When equality is a regulative principle of justice, the generalization and abstraction from real personality that elsewhere renders persons subject to exploitation now establishes the conditions under which they can flourish. For any particular person,

criticism of Rawls and at the same time extending his basic needs into something workable, possibly by employing his idea of equal worth of liberty.

Martha Nussbaum, like Sen, suggests that we measure equality by capability rather than by wealth. Her list of central human capabilities includes life (living a good quality of life); bodily health (having adequate nourishment, adequate shelter and good health); bodily integrity (being free from assault and having choices involving your own body); senses, imagination and thought; emotions, practical reason (including liberty of conscience and religious observance); affiliation; other species; play; and control over one's environment (political and material) (2006:76-78).²⁰ This list expands the expectations of equality so that it includes far more than just distribution of resources and equality of opportunity. It also draws attention to how many facets there are to the equality which is necessary to live a good life. It is interesting that Nussbaum includes liberties in the list of capabilities rather than as a separate entity.

The Human Development Report 2000 notes the very close link between human development and human rights.²¹ Human development needs to

these conditions can be stated quite specifically, but it is also possible to generalize about the things that persons need in order to live well" (Lovin 1995:220).

²⁰ Nussbaum sees the capabilities approach and Rawlsian contractarianism as being "allies" since both have the idea of human dignity and the inviolability of the person at their core (2006:80-81). She does, however, remain critical of the contract approach, listing three problems that she feels Rawls's theory ignores (2006:14-21):

- 1) The situation of women, children and elderly people, as well as those with severe and atypical physical and mental impairments who are unable to participate in society because of [social] exclusion
- 2) The role which nationality, or place of birth, plays in influencing people's basic life chances; especially the inequalities between rich and poor nations that affect the life chances of their citizens.
- 3) Non-human realm (animals) which are affected by the choices of humans every day.

The main criticism which Nussbaum levels against the social contract theory is that, because of the allegedly crucial importance of human rationality in defining both reciprocity and dignity, those with severe (mental) disabilities are excluded, injustices between nations are excluded (as the nation-state is the basic unit of the contract theory) and there are no obligations to animals (we can add here, or the environment) (2006:93).

²¹ The report defines human development as focussing "on the enhancement of the capabilities and freedoms that the members of a community enjoy" while human rights "represent the claims that

include human rights in its assessment of living standards (by means of the human development index), once again showing the importance of both liberty and equality when talking about justice as well as capability and participation.

It is not sufficient to couch justice, or injustice for that matter, in philosophical terms and idealistic theories. Michael Sandel speaks of “outrage” as an appropriate response to justice (2009:7). Outrage is not merely mindless anger but points instead towards a “moral argument worth taking seriously.” Rawls’s difference principle and his later requirement for nations to assist burdened peoples point towards taking poverty and oppression seriously.²² People who cannot participate in society cannot be regarded with pity and given charity; they need to be given the dignity and the opportunities to live out their life plans and be able to be active participants in society. On an international level, this does present its own complications.

Whichever form justice takes, it will always have to be agreeable to most of the people; on the one hand it is obligated to give preference to the poor and oppressed people, but on the other hand it cannot exclude the wealthy and powerful, although it will probably mean distributing their wealth and power differently. Mutual advantage and reciprocity will be an imperative part of such a form of justice.²³ MacIntyre sees justice as

individuals have on the conduct of individual and collective agents and on the design of social arrangements to facilitate or secure these capabilities and freedoms” (2000:20).

²² Naudé argues for a positive reading of Rawls, which points towards Rawls’s sympathy for the least advantaged people and burdened societies, arguing for redress of the inequalities (see Naudé 2007b and Naudé 2007c).

²³ MacIntyre suggests that there will need to be reciprocity between the members of society. “What the rules of justice will have to prescribe is reciprocity, and what is to be accounted as reciprocity, what is to be exchanged for what, will depend on what each party brings to that bargaining situation of which the rules of justice are the outcome. ...where the justice of cooperative effectiveness prevails, it will always be as if justice was the outcome of a contract, an episode of explicit negotiation. And the various individuals will behave accordingly. Those who are least vulnerable to having the pursuit of their own ends frustrated by others will be in a position to demand most and to give least in terms of the rules governing the distribution of power and other resources; those who are most vulnerable will be in a position to demand least. But the rules will have to be at least minimally acceptable to almost

necessarily always being some form of a contract because there will have to be terms which are agreed upon, even if the less wealthy have more of a claim than the wealthy (MacIntyre 1988:37). The rules of justice will determine what is or is not allowed in society, which demonstrates the importance of the inclusion of all members of society in the decision making process without anyone being marginalised.

4.3.2 Justice and Moral Reasoning

Liberty is an important part of justice for Rawls and Kant similarly saw justice as neither an attempt to maximize welfare nor to promote virtue. Instead, respecting the freedom of the person was the main aim. He argued that every person is deserving of respect because they are rational beings, capable of acting and choosing freely (Sandel 2009:107). People are not a means to an end, but are ends in themselves. However, to protect the rights of the individual, any concept of the good has to be removed from liberal society (we see this clearly in Rawls's exclusion of the good from the right). Justice is ideally based on principles which are acceptable to all people and the right always remains prior to the good. But, argues religion, justice cannot be so easily separated from morality.²⁴ It remains inherently moral, ethical and, for many people, religious.

Much of Rawls's optimism is based on how people will behave, namely in a rational manner, in society. This finds strong opposition in Niebuhr's analysis of humanity, where the sins of pride and sensuality lead to injustice in various ways and where even justice is open to corruption.

all for them to function as rules of justice for any extended period of time, and this will characteristically involve that some of the same constraints are imposed on those who are relatively rich and powerful as well as on those who are relatively weak and powerless" (MacIntyre 1988:37).

²⁴ Sandel strongly contests defining the rights and duties of citizens separately from competing conceptions of the good life. He points out that justice and rights cannot be debated without taking up "controversial moral and religious questions. ... And even when it's possible, it may not be desirable" (2009:243).

Even if thought may always be rational, which it most likely is not, behaviour will not necessarily be the same. In biblical terms, the spirit would be willing while the flesh would be weak.²⁵ What a dialogue involving sin brings to the table, is personal accountability and responsibility as well as inability and finitude. We need to do the right thing for the right reason; that is, it is our duty to behave in a certain way. At the same time we are painfully aware of our inability to always do what is good and what is right because of the nature of our humanity.

When talking about collective sin and injustice the self-interested element should be removed from justice, making justice about the other rather than about the self. It is not enough to pity those who are oppressed and struggling. We should not want to improve our own situation by improving the situation of others, although the idea of something being beneficial to all might appeal to the often less than altruistic nature of people. However, we should avoid attempting to overcome or escape our own reality and seek the improvement of conditions for people solely for the direct results thereof. There is a communal responsibility to free the victims of injustice from their situation and create more just institutions and policies by which to protect their liberty. Justice should develop from commitment rather than from sympathy.²⁶

²⁵ Philosophers would obviously not use such biblical terms, but there is still an idea that rational thought would not lead to rational action. Sen speaks of the weakness of will. "One may know fairly well what one should do rationally, and yet fail to act in that way. People may over-eat or over-drink in a way that they themselves may think is foolish or irrational, and yet they might still fail to resist the temptations. ... It is important to note that this problem is concerned with the failure of people to act in a fully rational way, but these departures in actual behaviour do not, in themselves, suggest that the idea of rationality or its demands should themselves be modified" (2009:177).

²⁶ Sen makes an interesting distinction, which I find particularly enlightening, between 'sympathy' and 'commitment.' He defines sympathy as "one person's welfare being affected by the positions of others" whereas commitment is "concerned with breaking the tight link between individual welfare and the choice of action." He goes on to say that "sympathy is combinable with self-interested behaviour. ... If one tries to remove the misery of others only because – and only to the extent that – it affects one's own welfare, this does not signify a departure from self-love as the only accepted reason for action. But if one is committed, say, to doing what can be done to remove the misery of others – whether or not one's own welfare is affected by it, and not merely to the extent to which one's own welfare is so influenced – then that is a clear departure from self-interested behaviour" (2009:188-189).

When unjust behaviour is punished, society is affirming the civic virtue of shared sacrifice for the common good. A fair and just society depends to a large extent on certain attitudes and qualities of character; virtue is important (Sandel 2009:8). Rules assume, or hope, that people will behave in a certain way; a way that they have learnt at home and from their various associations in their communities and from institutions in society. Any sacrifice which is required by the rules of justice should not be a loss, but rather something which “sustains and enriches the community that sustains and enriches oneself” (Rasmussen 1996:112).

Justice cannot be separated from moral arguments – it is not only political or economic; justice deals with the very core of what it means to be human. Rawls argued against religious and moral arguments when speaking about justice, but any talk about justice will be tainted, to a greater or lesser degree, by religious beliefs. Our challenge is to find common ideas that do not necessarily have the same reasoning behind them so that we can move from “my” justice and “your” justice to “our” justice. There need not be complete agreement about justice just as there need not be any principles of justice since justice is always changing dependent on the situation.²⁷ Sandel sees justice as inescapably engaging us in thinking about the best way to live (2009:10). If justice involves

²⁷ There need not be complete agreement all the time about everything. Wolterstorff points this out: “The agreement arrived at need not be agreement based on principles rich enough to settle all substantial political issues whatsoever. Sufficient if it be agreement on the matter at hand. It need not be agreement based on principles shared by all alike. Sufficient if all, each on his or her own principles come to agreement on the matter at hand. It need not be agreement for all time. Sufficient if it be agreement for today and tomorrow. It need not be agreement that one can reasonably expect of all human beings whatsoever. Sufficient if it be agreement among us. It need not even be agreement among each and every one of us. Sufficient if it be the fairly-gained and fairly-executed agreement of the majority of us” (Nicholas Wolterstorff, ‘Why We should Reject what Liberalism Tells us about Speaking and Acting in Public for Religious Reasons’, in Paul Weithman (ed.), *Religion and Contemporary Liberalism* (Notre Dame: University of Notre Dame Press, 1997), 181. (Cited in Fergusson 2004a:71)

Scanlon similarly argues that the principles of justice can never be finally agreed upon: “The reasons we have to treat others only in ways that could be justified to them underlie the central core of morality, and are presupposed by all the most important forms of human relationship. These reasons require us to strive to find terms of justification that others could not reasonably reject. But we are not in a position to say, once and for all, what these terms should be. Working out the terms of moral justification is an unending task” (1988:361).

“cultivating virtue and reasoning about the common good” then religion has an essential place in debates about injustice.

For Niebuhr, justice was intensely theological and moral; his social concern could not be separated from his roles as pastor and theologian. Theology brings the language of sin to the table as illustrated by Niebuhr. But it also brings a language of hope and joy with an eschatological expectation. Sandel points out that “justice is not only about the right way to distribute things, but also about the right way to value things” (2009:261). Theology brings humility to counter human pride, but this humility comes with awe and is accompanied by the responsibility of stewardship, care for all of creation and ensuring that all people have the opportunity to use that which is given to them.²⁸

Theology can also bring to the table a language of sacrifice. Injustices are impossible to overcome without some people needing to sacrifice some of their power and wealth for others. Sacrifice will move the attention from the self to the other, thus drawing attention to what is good for everybody. A common good brings with it a dedication to the whole, and all citizens should share this concern in a just society. Even though there may not be a single common good, a plurality of goods which culminate in the good of everyone can be helpful. Sandel speaks of a civic virtue which needs to be cultivated against privatized notions of a good life (Sandel 2009:264). A common good, or a civic virtue, is not private but needs to involve the community. A “politics of moral engagement” encourages public debate about the good life. He insists that moral disagreements can provide a stronger, rather than a weaker, basis for mutual respect (2009:268-269). A

²⁸ Rasmussen calls attention to our neglect of the earth when talking about justice; it is not only people that need justice, but the whole of creation. “The point is that like race, gender, and class in many quarters, the standing of nature is modernity is overgrown with moral callousness. Nature’s suffering and pain leaves us unmoved. So we soon inflict pain, with little understanding; or seeing it, are unmoved. Socialization renders nature a matter of utilitarian interest only or, on our better days, of aesthetic and recreational interest. Then the life of other kinds falters as a realm of binding moral obligation. If nature beyond us is not scenic, edible, or otherwise useful, it does not stir us” (1996:344).

language of virtue is also indispensable when talking about moral formation, thus making it essential to any discussion of justice. Virtues are learned, practised and developed in human communities (Fergusson 1998:52). Justice thus remains a rational process which has many foundations in religious thought and it finds itself in both the realm of the law and in form of virtue in creating moral and just people.

Part of the rationality of justice is in realizing that *our* truth is not *the* truth, and that there are many truths which colour our worldviews. Being just is learning how to live with and as part of this plurality. One of the basic questions with which Rawls is concerned is how people can live together despite having opposing reasonable comprehensive doctrines. His solution lies in the overlapping consensus, where there can be some form of agreement on what basic justice might consist of (such as principles which transcend various religious ideas and different views of what constitutes a good and worthwhile life).²⁹ It is only with a strong sense of community, belonging and responsibility for the neighbour that adequate reasons can be provided, or assumed, for sharing benefits amongst everybody. Who our “neighbour” is, though, is a question which requires careful consideration. Perhaps talking about the neighbour is best understood as moving the focus away from the individual to the community.

²⁹ Fergusson offers insightful critique of Rawls’s overlapping consensus, which does not go far enough in giving recognition to thick theories of the good:

“In Rawls’s later writings, the principles of political liberalism cannot be demonstrated on metaphysical grounds. Yet they do represent something approaching a consensus in many societies today and may be considered in good working order. As such they provide a sound basis for the regulation of society and the conduct of political debate. Anyone advancing a political measure or programme should be able and willing to justify this on the basis of reasons accessible to most other citizens within a liberal society. Thus a proposal which is based on an appeal to an authoritative text or ecclesiastical institutions cannot be propounded unless this is capable of being justified also by reference to publically recognised principles of freedom, equality and justice. ...its effect is rather to determine the appropriate language within which debate can take place. It remains possible for those espousing political liberalism to differ sharply over a range of issues.... policy making must inevitably repose upon particular, thick traditions of justice that presuppose agreements beyond those recognised by the terms of Rawls’s own theory” (2004a:51-2).

The smaller the group the easier it becomes to understand others. This can be an important role of the church – a mediator between different groups and encouraging people to hear each other's stories and genuinely create a place for the other. The fewer groups there are, the easier it will be to reach consensus. Talking about different points of view, often opposing points of view requires all parties to be flexible and to admit that their truth is not the only truth. It also necessitates self-criticism and a refusal to be content with what we have achieved.

Nothing about justice should be subjective when seeking a consensus; judgements and decisions need to be made from an objective place which takes into account interests and beliefs beyond our own. Sen suggests that “even the identity of being human may have the effect, when fully seized, of broadening our viewpoint correspondingly. ... the normative demands of being guided by ‘humanity’ or ‘humaneness’ can build on our membership of the wide category of human beings, irrespective of our particular nationalities, or sects, or tribal affiliations (traditional or modern)” (Sen 2009:142). This objectivity is, of course, incredibly difficult to achieve as both Rawls and Niebuhr go to great lengths to point out.

This being said, we need to appraise what would be considered reasonable conduct towards others. Following Rawls, it is necessary to pay attention to others and our behaviour in relation to them, since they will have a role in what is considered just and reasonable in society. Toleration moves us beyond parochialism by asking us to accept the plurality of what may reasonably constitute justice.³⁰ Mutual aid, respect and dignity extends across political, cultural, religious and linguistic frontiers. Justice remains important because there is not enough love and benevolence to make it unnecessary; however, its focus is on the community rather than on the

³⁰ Emphasis needs to be placed on “reasonable” because toleration cannot overstep what is reasonably unjust in favour of toleration itself. Although, it must be noted, this line is very far from clear.

individual, or perhaps it is better stated that human rights can seek justice for the individual in community.³¹

To be tolerant does not mean forsaking what it is that you believe; if anything, a stronger belief is necessary so that there is a firm, unwavering foundation upon which the other can be accepted in their otherness. In this sense, tolerance is not negative. It is not merely accepting or tolerating that which you may dislike or deplore. We cannot live and let live; such tolerance asks us to ignore both the good and the bad to be found in community, even ignoring community itself in an individualistic way. Rather than suggesting in impersonal existence together, tolerance suggests “cultivated ways of living together” (Fergusson 2004a:79). It is essential that tolerance is understood in a positive way which fosters community and communication.³² Tolerance, suggests Fergusson, is not so much “one value but a set of attitudes and practices that may be adopted for different reasons” (Fergusson 2004:92). Living in a truly multi-cultural society rests on a mutual acknowledgment of the other where the existence and the rights of other cultures are respected. “Respect for human dignity in the person of strangers, tolerance for their way of life, and nonviolence when participating in a conflict between different claims

³¹ Sandel asks similar questions. Liberal freedom protects the rights of people who previously had their identity assigned to them by caste, class, custom, tradition or inherited status. So how is it possible to acknowledge the moral weight of community while still giving scope to human freedom? (2009:221).

³² Writing about the development of the idea of toleration in theology, Fergusson notes that “arguments for freedom of conscience in matters of faith, freedom of worship, and respect for other religions signal a shift from some of the nostrums of medieval and Reformation Christianity. ... For example, there needs to be the recognition that God is active in other faiths and social movements, and that therefore the choices of others are to be affirmed on account of the goods that these realise for individuals, communities and the world. Without this assumption, a theology of tolerance will not stretch far enough. ... Religious diversity can be tolerated for the sake of peace. It can be welcomed for the positive contribution it makes to the self-understanding and witness of the Christian community and to the pace and prosperity of civil society. ... A properly placed humility will acknowledge that in the history of the church the beliefs and practices of one generation are neither complete nor immune to revision by the next. ... A theology of tolerance that recognises the partial unity that can be achieved through the suppression of intolerance, the promotion of mutual respect and a commitment to civil conversation can anticipate something of the promised reign of God” (2004a:91-2).

to truth, are decisive conditions not only for the pluralistic society as a whole but for the multicultural society as well” (Huber 1996b:63).

Tolerance, for all the good it does do, is neither the answer to many of the problems created by injustice nor the problems which cause injustice.³³ Tolerance must not lead to acquiescence. Solidarity must instil a sense of responsibility in people so that they do not merely accept those who surround them, but are furthermore concerned with their fate. There needs to be some idea of a common good so that people will refuse to accept a lower standard of living for anyone because it would be inhumane to do so. Tolerance should require people to recognise the significance of group identity and solidarity. Fergusson says that “for individuals and groups to participate in the common good of a society, what is required is not merely the absence of persecution but something more akin to recognition, acknowledgement or respect” (2004b:117).³⁴

Hollenbach speaks of an “intellectual solidarity” which is “a willingness to take other persons seriously enough to engage them in conversation and debate about what they think makes life worth living.” This differs from “pure tolerance” by seeking “positive engagement with the other through both listening and speaking” and hopes to create a “community of freedom...which is itself a major part of the common good” (1993:892). It is impossible, however, to take pluralism seriously without any accompanying conflict. This is where the concern for those who have

³³ Tolerance needs to be considered with the poverty which often accompanies it. “The reality of urban poverty illustrates the fact that tolerance, taken by itself, is not a sufficient resource for addressing the urgent problems confronting American public life today. Economic deprivation, unemployment, single parenthood, homelessness, and frightening drug-related violence mark the quality of life in American cities ... The linked realities of urban poverty and race continue to be among the most urgent problems facing the country today” (Hollenbach 2002:34).

³⁴ Fergusson’s interesting article argues that tolerance has always been much more than simply tolerating what we disagree with. A “theology of tolerance” will recognise “the partial unities that can be achieved through the suppression of intolerance, the promotion of mutual respect and a commitment to civil conversation” (2004b:119).

neither basic necessities nor freedom should become a priority.³⁵ Both respect and tolerance are needed in society to prevent tolerance from becoming nothing more than the acceptance that people might hold different views. Tolerance needs to go a step further to realize that despite different views, people are nonetheless worthy of respect and dignity. We might even go so far as to say that respect and tolerance are political concepts of agape, as Timothy Jackson (2003:54) does.

When talking about tolerance, it is necessary to point out that it is not only needed between a Christian worldview and other religions and disciplines, or between different cultures, but also between different Christian perspectives. Huber and Tödt make the point that there may be consensus on many points when talking about justice in theological circles, but that this often denies or ignores the plurality of justice discourses, such as the emphasis on individual liberty or on social rights.³⁶ They ask the important question of wherein a specific theological and church interpretation and implementation of human rights can be grounded. Theological critique is essential, offering key questions to which any theological dialogue needs to return time and time again to prevent a secularisation of theological principles.

³⁵ The rights of the oppressed and the poor need to be given priority. "The condition for translating an inclusive theory of rights into a strategy for action and policy is the recognition that pluralism is inevitably accompanied by conflict. Defense and support of the full range of rights for every person under current patterns of economic and political conflict, therefore, calls for a choice. This choice is one that will orient policy toward preferential concern for the rights of those who have neither bread nor freedom. It means that the rights of the oppressed, those denied both political and economic power, should take priority in policy over privileged forms of influence and wealth" (Hollenbach 1988:99).

³⁶ „Wir haben in der Zwischenbilanz festgestellt, daß es einen weitreichenden kirchlich-ökumenischen Konsensus in vielen Fragen gibt, oft allerdings um den Preis eines Nichtbewusstmachens oder einer Einebnung der vielen in der Sache selbst liegenden Kontroversen und Spannungen. Diese Kontroversen werden sofort virulent, wenn es um die weltweite Konkretisierung der Menschenrechte geht; besondere Bedeutung gewinnt dabei dasjenige Ringen um das Verständnis der Menschenrechte, in dem die einen vorrangig von individuellen Freiheitsrechten, die anderen von sozialen Grundrechten, die Dritten vom Selbstbestimmungsrecht der Völker ausgehen“ (Huber & Tödt 1977:64-65). Thus we are made aware of just how complicated it is to talk about justice.

4.3.3 Justice and Human Dignity

Justice needs to extend beyond a philosophical notion of fairness. Forrester suggests that it is generosity that is needed. “Generosity is necessary if the position of the weak, the handicapped and non-citizens is to be secured. It underlies any decent and humane welfare provision and is the only way of overcoming social division” (Forrester 1997:232).³⁷ Generosity will realise the inherent dignity of every person in the community, more so than fairness, because equality does not guarantee dignity and respect. It is essential that justice remains closely connected to human dignity.³⁸ Wolterstorff concludes his chapter on respect for worth that a person should never be treated with ‘under-respect,’ that is, “it is necessary to always act in such a way as to allow respect for the worth of human beings to trump balance of life-good considerations” (Wolterstorff 2008:310).³⁹

As justice needs to be a response to a large extent to injustice, injustice needs to be measured by some sort of idea of justice. However, it needs to be accepted that perfect justice is an idealistic state and we will mostly have to settle for it in some sort of imperfect form. Therefore, it is sometimes more appropriate to speak of the elimination of injustice in the

³⁷ Forrester places generosity at the centre of the community. He sees a “broad, loving and generous understating of justice” as being essential for a healthy community. “A community depends on people who do not always claim their rights, who are generous and who are more than fair. This is not to deny that fairness is of central importance in the way a community is run. A community in which everyone is demanding fairness for themselves is quite different from a community in which the stress is upon fairness for others” (1997:233).

³⁸ Russel Botman often emphasises the need for human dignity. “...the restoration of human dignity after the advent of oppression requires of governments the responsibility to fulfill and protect the social rights of people, especially the most vulnerable. These responsibilities of governments would of necessity require intervention in markets and even regulation of such markets to protect the poor and marginalized. The restoration of human dignity must be seen to be more than a mere social goal. It ought to be more specifically an institutionalized practice” (Botman 2003:21). He goes on to argue later that a “dignity enriched human rights discourse” will not only respect the relationships between individuals in the community, but the common interests of the community will “override the interests of investors, states, systems and the financial market” (28).

³⁹ In a number chapters in the last section of his book, Wolterstorff offers a comprehensive discussion of the nature and grounding of natural human rights, the feasibility of a secular grounding of human rights and a theistic grounding of human rights (Wolterstorff 2008).

hope of a more just society.⁴⁰ We need critical scrutiny of society and not just goodwill towards others to prevent injustice.⁴¹ Rawls spoke of certain duties which we owe to persons as persons. Each person should be free to pursue their conception of the good, without infringing on the rights of others. This is acknowledging the essentiality of community as well as attempting to create a space where a plurality of goods can be accommodated.⁴² However, no principles can exist in a moral vacuum, no matter how much liberal theorists would like them to. Our morals and values and our very conception of the world and of what is good (both for us and for our community) is based upon some belief. It is necessary to treat all our belief systems with suspicion, since they may conceal patriarchal and oppressive ways of thinking, but it is imperative to affirm those relationships which are positive.⁴³

Too often people, and relationships, are treated as commodities. Gratification is expected instantly and other people are expected to satisfy our wants and desires with little regard for their humanness and the

⁴⁰ Sen argues that any theory of justice will be formulated under the currently dominant transcendental institutionalism will reduce “many of the most relevant issues of justice into empty rhetoric.” People aim for more global justice which is not looking for minimal humanitarianism, nor for a perfectly just world society, but rather the elimination of some outrageous injustice (2009:26).

⁴¹ Sen speaks specifically of the lack of regard for the deterioration of the natural environment. He says that “through lack of reasoned engagement and action, we do still fail to take adequate care of the environment around us and the sustainability of the requirements of good life” (2009:48). Benevolence is not enough when talking about treating human beings with respect and dignity, reason and intellect form an indispensable part of the process. Reasonable arguments are part of making informed decisions, rather than only revelation or faith, which is possibly what Rawls is arguing.

⁴² Fergusson discusses John Rawls’s theory of justice as providing some sort of neutral place for the priority of certain political values. He later goes on to say that it is still necessary to ground the political principles and values on some conception of the human good (1998:147, 154).

⁴³ Mary Stewart Van Leeuwen argues that marriage needs to be recognised as a positive institution, rather than as a form of oppression of women. She gives a positive interpretation of Genesis 1, suggesting that “women and men are to work out God’s vision of *shalom* in ways that are sensitive to different settings and times in history and to the life cycle of male and female beings.” Thus, “any construction of gender involving an exaggerated or inflexible separation of the cultural mandate by sex ... is creationally distorted and therefore potentially unjust toward both males and females” (2000:189). She contends that “at the level of public policy and theological ethics, a proper appreciation of marriage and family requires a capacity to discern the appropriate shape of social justice and well-functioning civil society for a given time and place” which is not measured by some “rigid, atemporal set of gender and familial roles” (196).

inherent dignity owed to them.⁴⁴ Conversely, the family offers a locus where we can learn about generosity and welfare through the care of dependants, discover education through the transmission of wisdom from one generation to the next and learn to be concerned about and invest in the future of the world beyond our own lives (Fergusson 1998:142). Jackson argues that the family is the place where moral persons can evolve over time because parental care is not premised on the reciprocity characteristic of justice (Jackson 2003:7).⁴⁵

Fergusson describes liberalism as “a project for securing the peaceful coexistence and prosperity of different groups and subcultures, since individual moral identity is inextricably tied to community, tradition and belief system” (2004a:63). By taking community and tradition into account, it is easier to recognise the oppression of certain groups based on race and also the oppression of women. Wolterstorff argues that moral rights should be grounded in respect for persons rather than in duties.⁴⁶ To wrong a person, or to treat them unjustly, is to treat them in a way that is disrespectful of their worth (Wolterstorff 2008:296).⁴⁷ This implies the acceptance of human beings as having non-instrumental worth and

⁴⁴ Fergusson writes that “a consumerist notion of the individual has now invaded discourse about personal relationships. The gratification of the individual’s interests is the criterion by which marriage and the family are to be evaluated. In the absence of such gratification, divorce and desertion can be justified. The rhetoric of the market-place has now invaded the home ... The fundamental defect, therefore, in the moral chaos of our private lives, is a faulty understanding of what it is to be a person. The person is not an individual with interests to be satisfied. He or she is a person whose identity and fulfilment are inextricably bound up with relations and communities. Other people are constitutive of rather than instrumental to my identity and well-being as a person” (1998:142-3).

⁴⁵ Jackson argues strongly that persons are formed by society, as well as by receiving unconditional love (whether by a parent or substitute) for at least the early years. “People get to be people and continue to act like people only when they are extended care by others and are schooled in how to extend it to others. Any society that fails to appreciate and act on these facts will inevitably find itself chaotic, confused, and unjust” (2003:63-64). Of course, it needs to be taken into account that not all families are safe and loving places.

⁴⁶ He explores in some detail what rights grounded in duties encompasses, since it is such a common notion (2008:242ff). He later also rejects rights which are based on the authority of God as the source of morality (the Divine Command Theory) (264ff).

⁴⁷ This also implies that certain actions have “respect-disrespect import; that is to say, they are cases of treating someone as being of a certain worth.” It is also assumed that “one’s action may or may not fit the actual worth of the human being who is the object of the action” (Wolterstorff 2004:296).

treating them as if they have a certain worth. The value of human beings is inherent in justice which goes beyond fairness.

A so-called compassionate justice would argue that “legal justice and the ethos of compassion and sacrifice cooperate to bring forth a life of justice and dignity for all humans and the environment” (Koopman 2005b:135). We can only hope that justice will become more than obligation and contract and become compassionate and empathetic. Dignity might begin in justice, but the hope of what people might become is found beyond justice. By recognising justice as an imperfect love, and seeking the pinnacle of a more equal justice that grows in love and fraternity, the dignity and worth of all people is taken seriously.

Although epistemic realists rightly affirm the intrinsic worth of some human goods, *the final goodness of the world depends upon love's going beyond the just distribution of what is antecedently judged valuable...* A neglected issue of social justice is the basis on which virtues (including justice itself) are distributed: who has been allowed to become whom, so to speak. It remains the case, nonetheless, that modern accounts of justice distinguish it from agapic love. Justice is a largely retrospective virtue for instance, focusing on what others have done or who they have been; while *agapic love is more prospective, attentive to who others are or have been but emphasizing what they might become* (Jackson 2003:29 my italics).

It is love which empowers all people to reflect the image of God by transcending justice when it brings individuals to fuller personhood and sustains their well-being (Jackson 2003:34). This love, however, is also in danger of becoming tyrannical and so needs justice to temper it.⁴⁸

⁴⁸ Stanley Hauerwas maintained that it is necessary for love to be tempered by justice to prevent it from becoming tyrannical: “If Christianity is primarily an ethic of love I think that it is clearly wrong and ought to be given up, since our moral experience reveals that such an ethic is not sufficient to give form to our moral behavior. ... Christian ethics as an ethics of love reinforces our illusions by retreating into an ethic of interpersonal understanding and acceptance as if becoming an I to a Thou is the height of human attainment. But ethically our life involves more than person-to-person interaction; we exist as social creatures, and as such we confront social problems that require not love but justice.... Good will is no less tyrannical than bad will in its control of the other. ... My argument is that love, even in interpersonal relations, that is embodied without justice is sentimental and destructive rather than realistic and up-building (Stanley Hauerwas in “Love’s Not All You Need” *Cross Currents* 24, Summer 1972. Quoted in Jackson 2003:230).

Kant spoke of an idea of reason which would test the rightfulness of every public law (Rawls's principles of justice are an attempt to concretize this idea). Justice should not be based upon the interests or desires of a community, such agreements can have disastrous results for other communities or peoples. But loyalty within a community is also necessary to enforce obligatory assistance of other members of the community. Loyalty finds its beginning and its fulfilment in the recognition of the dignity and worth of others. However, conceptions of a good life are embedded in particular world views and moral ideas of what a good life entails. By prioritising the right over the good, individuals can be left feeling rootless and aimless, without any overriding moral or spiritual purpose (Fergusson 2004a:60).

Christianity provides a reference point for the inalienable dignity of each person, and thus the necessity of protecting each person by human rights. For Christians, the theological reference point that each person is created *imago dei* is the starting point when talking about human rights.⁴⁹ We believe that the earth is God's earth, and that each person must be accorded dignity and fundamental rights, a view which gave support to much of Beyers Naudé's theology.⁵⁰ This differs to the reference point found in philosophy and politics, but it still helps with our understanding of human rights. Piet Naudé gives an idea of what systematic theological study of human rights might entail, with the "creative tension between distinct personhood and reciprocal indwelling in the Trinity" providing clues for our understanding of human rights: individual human rights, social rights, gender equality and procreative rights, rights of future

⁴⁹ Emil Brunner said that "The doctrine of the *imago Dei* in particular is the fundamental principle of the Protestant doctrine of justice" (1945:36).

⁵⁰ "We are committed to the recognition of the dignity and the fundamental rights of every human being, regardless of race, colour, creed or sex; we are committed, in accordance with our understanding of the Christian faith, to do everything in our power to achieve these goals by peaceful means; we are committed to the task of reconciliation based on justice and of Christian liberation through justice without which no lasting reconciliation could be procured. ... Because this earth is God's earth, such rights must be accorded to all God's children everywhere on this globe" (Beyers Naudé 2005:115).

generations, ecological rights and socio-economic rights (Naudé 2007a:144-145).⁵¹

Similarly, Nico Koopman (2003) suggests that not only a Trinitarian understanding of anthropology but the notion of *ubuntu* can offer enrichment of a human rights culture. This focuses on a special African addition to the human rights debates. *Ubuntu* can help public policy and theories of justice to emphasise reciprocity, communion, care, responsibility and hospitality. This emphasises the necessity of community and inter-dependence in the lives and development of all people.

Human dignity and worth are also achieved through interaction with others.⁵² Justice must require a minimum level of solidarity to enable all people to live with basic dignity. Hollenbach says that “human dignity cannot be even minimally realized when persons are simply on their own. The norm of justice spells out the minimal requirements of solidarity that are a prerequisite for lives lived in dignity. The requirements of justice establish a floor below which social solidarity cannot fall without doing serious harm to some of society’s members” (Hollenbach2002:192-193). Hollenbach further holds that “persons can only live in dignity when they

⁵¹ Fergusson says that “the truth is what God wills for us and all people, although this may only be known through divine revelation in history and the patterns that this establishes in the traditions of Israel and the church. Truth is thus not relative to a particular framework, although knowledge thereof is available only to those who inhabit the framework” (1998:7). He later goes on to say that “the Christian tradition has persistently claimed that there are laws of morality which are known outwith the visible church and which Christians share with all other human beings. ...anyone who wishes to learn a practice to achieve those goods towards which it is directed must espouse justice, courage, and honesty. The social nature of the goods we seek entails a commitment to these virtues in one form or another. ...the achievement of our human good is dependent upon observance of principles, respect for which is necessary condition of social well-being” (1998:129).

⁵² “Because humans are relational beings whose identity, worth, and dignity is attained in interaction with others, human flourishing is always public or social. ...civil society is the primary locus in which human solidarity is realized” (Hollenbach 1993:884).

Jackson argues strongly (in criticism of liberal critique of agape) that persons are formed in society and by receiving unconditional love (whether by a parent or substitute) for at least the early years. “People get to be people and continue to act like people only when they are extended care by others and are schooled in how to extend it to others. Any society that fails to appreciate and act on these facts will inevitably find itself chaotic, confused, and unjust” (2003:63-64).

are capable of interacting with others in society, whether in the economic, political or cultural spheres” (2002:198).

Human dignity is a crucial part of justice. It is a very controversial matter, but like justice can sometimes best be explained by injustice, dignity is best understood by those whose dignity has been ignored and abused; “its meaning is established by the denial of it” (Huber 1996b:10). Someone who has dignity deserves respect and thus deserves to be treated in a respectful way. “Dignity and worth are obtained on the basis of personal talents and achievements which are highly estimated by modern culture,” but dignity can also be more universalised; simply being human can suffice for having human dignity (De Lange 2007:214-215). Fritz De Lange emphasises, as did Rawls, that “self-respect as a primary social good needs political arrangements, economic conditions; justice and daily bread. ... (C)aring communities that make people experience that their past and their future really matter, make them feel that they are welcome as full members of the moral community” (2007:223).⁵³ Human dignity and human worth are not accolades which are earned, but are an inherent part of our humanness, and as such are owed to each and every member of the community.

4.3.4 Justice and Community

Liberalism has been accused of creating an asocial society in which the autonomy of the individual is juxtaposed to that of an individual as part of a community. Counter arguments have emphasized the need for

⁵³ Iris Young links self-respect to how a person defines themselves and how they are defined by community: “People have or lack self-respect because of how they define themselves and how others regard them, because of how they spend their time, because of the amount of autonomy and decision-making power they have in their activities and so on ... Self-respect is at least as much a function of culture as it is of good, for example... None of the forms and not all of the conditions of self-respect can meaningfully be conceived as goods that individuals possess; they are rather relations and processes in which the actions of individuals are embedded” (Iris M. Young. 1990. *Justice and the Politics of Difference*. Princeton: Princeton University Press, p. 27) (Cited in Forrester 2001:186).

community. Liberalism, however, cannot be wiped aside and merely replaced by localised communities. A balance is needed between *Gemeinschaft* and *Gesellschaft*; or alternatively, as Daly and Cobb (1989:172) suggest, viewing community as one part of society. Community and voluntary associations provide necessary rootedness and will tend to be personal, thus essential to both identity and moral formation, while society and associational ties give each person the opportunity to exercise their creativity and will tend to be impersonal.⁵⁴ But involuntary association forms the most basic association in our society; it is those connections that we do not choose that generally place us in one or another group (or several groups).⁵⁵ Rasmussen suggests that community is “no longer a place and a tradition but instead an experience,” it is not something which is static but is continually changing both setting and cast (1993:38)⁵⁶. The boundaries between society and community are not always very clear.⁵⁷ What is clear is how the lives of the members of a

⁵⁴ Bellah et.al. (1985) did a study of individualism and community in American life, which is still widely referred to in works emphasising the necessity and inescapability of community in our lives (*Habits of the Heart*). They emphasise that it is necessary to affirm our interconnectedness, not only through voluntary associations but by our mutual dependence on each other. “Generosity of spirit is thus the ability to acknowledge an interconnectedness – one’s debts to society – that binds one to others whether one wants to accept it or not. It is also the ability to engage in the caring that nurtures interconnectedness. It is a virtue that everyone should strive for, even though few people have a lot of it - a virtue the practice of which gives meaning to the frustrations of political work and the inevitable loneliness of the separate self. It is a virtue that leads one into community work and politics and is sustained by such involvements” (Bellah et.al. 1985:194).

⁵⁵ It is hard to imagine individuals not bound into involuntary ties – free from class, ethnicity, religion, race or gender associations. Walzer suggests that we are never truly free, as much as some theorists like to take about “self-fashioning.” Where we are born, when we are born and to whom we are born all play an important role in fashioning who we are and in determining our life plans. It is with dealing with these constraints that can encourage democratic debate and reform (Walzer 2004:14-15, 19).

⁵⁶ Rasmussen argues that capitalism has become a culture, and the market is a model for society (both of which were never intended by Adam Smith). Such a view correlates to an argument for the reverence of the Sabbath. One day to remember that we are not only consumers and are not dependent upon goods and products, but to revel in the joy of relationships. It is necessary to find a time of leisure for family and friends, in short, a time for engagement.

⁵⁷ However, the importance of relatively intact, small-scale communities cannot be downplayed. It is here that “we learn trust, temper individualism as a moral style, agree to freely serve, hone leadership skills for work together, have and raise children, learnt to give to charities, volunteer for dirty, difficult, and unpleasant jobs, clean up after ourselves, restrain appetites, take out the garbage, help friends, care for siblings, parents, children, relatives, and friends, learn to read, learn to return books to the library, observe meaning-giving traditions, receive all manner of moral direction, including basic moral rules and social etiquette, find out by increments what moral responsibility

community are intertwined by that which they share, and their focus will find similar points of convergence. The good which they want may not always be the same, but it will sometimes be the same or at least similar, and it is the similarities which draws them together.⁵⁸

Rasmussen describes community as “faith’s own vocabulary” (1993:11) and community together with critical thought humanise and harmonize liberty and equality. Community is where people learn to think ethically, and where moral character is developed. Community is a place where life

means from childhood up, develop qualities of character, practice decision making, acquire a moral language, nurture moral sensibilities, take responsibility for a pet, parent, or sibling, recover from serious mistakes, find out first models of behaviour, and, most important, learnt to forgive and start anew. In a word, we discover in microcosm how the bewildering world works and how to find our way in it” (Rasmussen 1993:71-2).

O’Donovan describes the movement between community and society, where tradition plays an important part in shaping the identity of the particular people: “Through the mediation of representative signs, then, members of a community conceive of their community as such; they are recognizable to one another, and they attract one another’s love. These are the means by which a community attains coherence. For it knows and loves itself as a kind of whole, a self-contained totality that embraces its members’ various communications. Its self-love, therefore, is an organizing function within its understanding of the world, a decisive key to the evaluations it shares among its members. It interprets the order and rhythm of the cosmos and the nature and destiny of humankind. In the conception of “holy” things and places we can observe this confluence of political and cosmological meanings. What is holy in ancient Israel – the Sabbath, the temple, the land – at once organizes and structures the people as a political society and discloses the universal divine purpose for the world.

In this reflective movement a community is more than a sphere of sharing. It is what we call a ‘society,’ the object, to use a phrase of Erich Voegelin, of ‘transcendental representations.’ Not all ‘common objects of love’ are transcendental representations, for society shares a range of material goods and understandings which bear none of this special burden of meaning. But these form the communal self-understanding which structures all other shared meanings. ... they constitute the central core of the society’s common way of seeing the world and living in it. And because the existence of a society is not atemporal, they constitute the core of its continuing identity in time, providing intelligible connections between past and present. In this function we refer to them as the ‘tradition’ of the society” (2002:32).

⁵⁸ O’Donovan points out the relationship between goods and community and how from our community common objects of love develop. “The new factor introduced into the analysis of moral reasoning is this: from its reflective roots to its deliberative fruits moral reasoning is a shared and collective enterprise, not a private and individual one. Loving, like knowing, is something we do only with others. Together, not alone, we acquire our capacity to engage the world in cognitive affection. The goods that we love, created and uncreated, are goods common to all, and we love them properly as our own goods only as we understand that they are everybody else’s. Simply in loving them, we become part of a community that is not constructed to accomplish some task but is given in the very fact that we cannot but love them” (O’Donovan 2002:19).

“Augustine’s interest was focused, as ours will be, upon how community has its root in evaluations that we form and hold together, the *common objects of love*. Loving is the corporate function that determines and defines the structure of the political society; it is the key to its coherence and its organization. Loving *things*, not loving *one another*. Augustine also affirmed that members of a community loved one another; but that is a second step. The love that founds the community is not reciprocal, but turned outward upon an object” (O’Donovan 2002:26).

is giving meaning by stories and history and tradition. However, critical thought is necessary to keep the community in check.⁵⁹ It is necessary to continually review practices and policies to ensure that their justice is not being corrupted. By sharing common practices, policies, history and tradition, we become aware that our community consists of other individuals which means that while individual liberty is important, we need to remember that the liberty of the other is as important as our own. But to do this we need to firstly be sufficiently sure of our own identity, so that we can use our freedom responsibly (Huber 1996a:8).

The essential nature of communities as a part of our society cannot be denied and the church as a community plays an important role in not only moral formation, but also providing a safe space for people to share their insecurities as well as providing a solid foundation for a just way of life, or a thick theory of the good. The challenge is to do this not only in a liberal society, but in an increasingly technologically advanced society where it becomes increasingly easier to avoid personal associations and “real” relationships are exchanged for “virtual” ones.⁶⁰ At the same time, it is necessary to not lose sight of the struggle for justice and equality; the community needs to be transformed into a place where participation can offer each person dignity. We need to remember that “the community is not sacred, it has to be equal, just and participatory to claim its own right

⁵⁹ The critical thought and continual analysis of the moral behavior of the community is necessary because too often the community becomes self-righteous, even Christian communities. “The formation of moral conviction in Christian communities has often been its malformation. Good people who did not know they were not quite as good as they thought have been racist, sexist, elitist, and blithely uncaring about nature or distant neighbors” (Rasmussen 1993:15). Huber draws our attention to several important questions that we need to ask, to keep ourselves in check: “What way of life will prove durable and responsible? For what living conditions can we in the long run be responsible, not only economically, but also ecologically and socially? What form of living together conforms to our concept of humanity?” (1996:8).

⁶⁰ Technology is bringing with it increasing challenges for fostering community as well as new boundaries for the limits of justice as we move into a realm that is not necessarily controlled by the same rules that govern our political lives. Rasmussen (quoting Albert Borgmann) writes that the “promise of technology (liberation, enrichment, and the conquest of scourges that long assailed humanity) has led to the irony of technology. The irony is “when liberation by disburdenment yields to disengagement [from most every context], enrichment by way of diversion is overtaken by distraction, and conquest makes way first to domination and then to loneliness.”” (1993:83).

for protection and equality in the broader national or international community.... Through participation, members of that community collectively form and transform its life and structure” (Botman 1998:102). Hollenbach sees social capital as a translation of the strength of civil society (2003:220). Communal solidarity empowers people to shape the institutions of public life, such as the state and the economy and civil society provides a social base which allows the governing institutions to function effectively.

It is essential to recover the concept of meaning in our society. We need to remember that “what we do, is a result of who we are. And who we are is determined by the narrative communities in which we are formed” (Naudé 2005:539).⁶¹ Relationships are important, not goods and services. As such, relationships and the very life which sustains them are vital. Life is sacred and needs to be treated as such. A life is not more or less valuable according to what value it offers to other people or to the community. The sanctity of life needs to be taken seriously and life needs to be valued simply because it is life.

For Rawls, the importance of the community in forming an individual’s ideas of justice is inherent. There are, however, not necessarily many communities where this can happen as so much of day to day interaction occurs over an ever-increasing spatial dimension – technology has extended our boundaries, not only increasing the space where justice needs to take place and increasing our responsibility to our “neighbour” on the other side of the world, it has also brought about changes in the way

⁶¹ Daly and Cobb similarly speak about the importance of relationships: “People are constituted by their relationships. We come into being in and through relationships and have no identity apart from them. Our dependence on others is not simply for goods and services. How we think add feel, what we want and dislike, our aspirations and fears – in short, who we are – all come into being socially. To say this does not deny that every person is something more than simply a social product. People also have some freedom to constitute themselves. Personal responsibility is based on that freedom. But this transcending of relationships does not introduce something separable from the social relationships. It can be only a partial transcending of just those relationships, and it is the quality of those relationships that makes real freedom possible. We are not only members of societies but what more we are also depends on the character of these societies” (1989:161).

we deal with other people on day to day basis. Many of our interactions have become impersonal, corporations are spread across the globe and the internet has replaced much communication which previously took place face to face. The church represents one such community where people may learn to live in a just way.

Particular examples and communal instructions teach us how to act morally (Fergusson 1998:6). For Christians, God's command is our highest good. Because it is the source of our joy and delight, it fulfils our deepest aspirations. However, this presents problems for how it relates in contexts which are not specifically Christian.⁶² Theological ethics will always be interested in philosophical and political ethics. The challenge is how to remain uniquely theological while at the same time not becoming irrelevant to the non-Christian communities.⁶³

Here it is important to recognise the work of God outside of the Christian community. Specifically for Christians though, it is the recognition of Christ's grace in the world that calls us to action, as we have seen in the prophetic theology of Niebuhr. The church needs to maintain its distinctiveness in the world while at the same time not ignoring the world;

⁶² Fergusson's discussion of Barth's view of Christian ethics in this regard is particularly enlightening (2004a:22ff).

⁶³ It is important not to be self-righteous and exclusive. "Churches and faith communities do not bear the mandate of moral values and conduct that affirm human dignity alone, for it belongs to all. At the same time, there is a definite resourcefulness within the religious traditions that might meaningfully contribute to moral renewal in society at large. An important starting point rests with the renewal of human solidarity as an ethic to be sought and lived out and experienced in the manifold spheres of society" (Le Bruyns 2007:210).

The church can offer a biblical interpretation of justice, which will always seek to be more than justice: "The more "doing justice" is associated with faithfully imitating divine goodness and creatively meeting human needs, for example, the less the phrase will carry its preeminent modern connotation of keeping contracts or rewarding merit. The more one identifies "justice" with biblical "righteousness" the more "love" and "justice" will tend to coalesce without remainder. It is important to note how justice is used today and to contrast it with the more ancient and more comprehensive ideals of faith, hope, and especially love. ... Love without justice or a love that lapses into injustice is less than loving, but a justice without love or that does not aspire to love becomes less than just" (Jackson 2003:37-38).

the difficult paradox of living in the world yet not being a part of it.⁶⁴ Specific Christian ideas about justice, based on the righteousness and justice of God as revealed in Scripture, can provide a thick theory of morality and justice in the public arena.⁶⁵

The intensely religious, or spiritual, nature of human beings cannot be denied. The church thus forms a community where justice can be developed on numerous levels – it can foster a safe space for individuals to be given a voice to speak out and be heard about injustices; it can offer ideas and ideals about how society can become more just (on local and global levels); and it can teach individuals to live in such a way that they live with care and concern for other people in the community and in society, teaching them to think responsibly and ethically about social, political and economic occurrences. While the particularity of the Christian community cannot be denied, neither can the influence which it has on society, or at least the influence which it should have. Community in society needs to develop at grassroots levels, and the church offers a structure which can foster involvement in the community and encourage

⁶⁴ This is not necessarily an ‘alien’ identity. “Many Christians would not necessarily see themselves as aliens, even if their obedience and loyalty to certain obligations and commitments to the church are stronger than those to the state. There will always be some sense of loyalty to one’s country and its traditions” (Fergusson 2004a:27).

Hollenbach argues that there needs to be a “more substantive discussion of the relation between Christian faith and respect for religious freedom than advocacy of a simple relativism provides. It requires showing how the Christian understanding of God and the human good can also lead to respect for the pursuit of the civic good. This calls for theological argument about the implications of Christian belief in a religiously diverse world” (Hollenbach 2002:115).

Jackson insists on identifying justice with biblical righteousness: “The more “doing justice” is associated with faithfully imitating divine goodness and creatively meeting human needs, for example, the less the phrase will carry its preeminent modern connotation of keeping contracts or rewarding merit. The more one identifies “justice” with biblical “righteousness” the more “love” and “justice” will tend to coalesce without remainder. It is important to note how justice is used today and to contrast it with the more ancient and more comprehensive ideals of faith, hope, and especially love. Love without justice or a love that lapses into injustice is less than loving, but a justice without love or that does not aspire to love becomes less than just” (Jackson 2003:37-38).

⁶⁵ In his discussion of Hauerwas’ ecclesial ethics, Fergusson notes that there is always a danger that the church accepts the underlying social structures of society, and does not remain critical, challenging and confronting society when necessary. Also, the attempt to present Christian morality to a secular audience can result in the theological dements appearing either unnecessary or marginal (Fergusson 1998:50).

participation, as opposed to the state which governs on a national level, where anonymity is almost impossible to avoid.

Justice is about community and about relationship, particularly when speaking about mutual responsibility. Throughout Scripture, justice is about the relationship between God and his people, and between the people with each other. Justice in a community is about listening, about sharing, about recognizing the present injustices, and about working together to find a solution.⁶⁶ When speaking about justice, it is not enough to speak only of rights. Duty and responsibility are also important, particularly when talking about community and neighbours. Lebacqz sees the notion of mutual responsibility as being a biblical notion of justice.⁶⁷

The element of religion is also important. Liturgy and tradition play an important part in remembering, which provide meaning for the people and for their work (Lebacqz 1987:101). Smit mentions four things which happen during worship and impact the worshipers: subversion, formation, calling and community (2007b:387-388). Subversion liberates the worshipers from everyday reality and allows their view of reality and the world to be radically transformed; they look and see with new eyes. Both moral formation and character formation of human beings takes place during the worship service. People experience a calling during Christian worship and they are reminded of their vocation, the responsibility of being followers of Jesus Christ. Lastly, people experience *koinonia* and learn how to be with others in a community; they learn to love, belong and share.

⁶⁶ Lebacqz makes the point that “If we take injustice as the starting point for a theory of justice, we do not need “need, effort, merit, equality” etc. as the basis” (1987:150). This, however, runs the grave danger of never progressing beyond listening, although I must agree that it is impossible to talk of justice without acknowledging the injustice. Rules for a just society will not make any sense in an unjust society.

⁶⁷ She speaks of three forms of responsibility that are of the most importance: The first is responsibility for social structures. The injustice of structures needs to be realized and new structures need to be formed. The second form of responsibility is the preferential option of the poor. The poor should be the litmus test for justice. Finally, solidarity, as a way of embodying justice, is an important response to injustice by oppressors (Lebacqz 1987:106-107).

In another article, Smit discusses the importance of the sermon and of prayer in moral formation (2007c:446-451). Listening to and hearing God's word in a worship sermon helps us to see properly, giving us the glasses to interpret the world differently. Faith and ethics flow from prayer. The worship service is a place of remembrance and expectation (Wolterstorff 1983:156). Wolterstorff closely connects worship, mercy and justice in a relationship whereby they enrich each other. The influence of Christian worship on who we are, how we see the world and how we act is of utmost importance in the struggle for justice.

The church can bring about a sense of regret about the state of the world and remorse for what is happening and create a space for people to truly lament the brokenness of the world. Both regret and remorse are essential when confronting injustice since there is no just utopia, but instead, a broken and battered world which invites us to constantly review how we are thinking and acting from a place of humility.⁶⁸ It is necessary to change the way we see things before we can change the way we act.⁶⁹

The Church does not confront the world in absolute antithesis and mutual exclusion (sectarianism), nor does it simply surrender itself to the world's agenda, as if it were merely a valuable resource for the accomplishment of secular ends (acculturation). The Church's solidarity with the world allows it to seek valid forms of contextualization while guarding against flaccid conformism. Yet its precedence over the world requires it to maintain its essential distinctiveness without retreating into rigid isolation (Hunsinger, 'Barth, Barmen and the Confessing Church Today', 292. Quoted in: Fergusson 1998:33).

⁶⁸ Lebacqz uses both the words "rue" and "reparation" when speaking of injustice. Rue expresses a sense of "sorrow, remorse, or regret ... [and] it is only from a stance of rue that the Christian can begin to ask about justice in our ruptured world." "Reparation means repairing, mending, or restoring to a proper state. ... It is therefore the proper response from the perpetrator of injustice to the victim of injustice" (1987:50 & 117). The careful use of specific words (and the necessary avoidance of others) is an important part of dialogue. It is not enough only to talk, action needs to be implicit in the words.

⁶⁹ McFague, talking about the "beguiling major models – worldviews" portrays them as covering the world "with their interpretive grid" preventing us from seeing the world differently, which means we cannot act differently. Thus, she argues, "one very important piece of the planetary agenda is envisioning alternatives to the dominant economic worldview" (2001:74).

It is not necessary to develop a specific Christian theory of justice, particularly one which would be considered politically relevant despite being exclusive. Rather, it is imperative for the church to remain engaged with the political world;

sometimes affirming, sometimes critiquing ... Major Reformed theologians (...) and major events and places in the history of Reformed churches (...) stand for such debates about the critical implications of the gospel of salvation for life together in society, and therefore for questions of law, morality and faith (Smit 2009:349).⁷⁰

Lebacqz emphasises the necessity of “right relationship” rather than merely giving to each person what is his due. Responsibilities and mutuality, rather than rights, are also important in the Christian vocabulary. This means that domination and exploitation are the primary injustices. But of course, any justice which seeks to redress injustice will be incomplete and impartial (1987:154-55). However, the church should seek to be responsible in its own actions. “If the church is to be in any real sense an exemplary community, a community which demonstrates the possibilities and the blessings of loving fellowship, it must take very seriously in its own life the message and the principles it offers to the world” (Forrester 2001:199). By dealing correctly with its own power and wealth, the church can be an exemplary community to the secular orders. By taking appropriate care of the elderly, the sick, the needy and the handicapped, the church can be a living testament to how justice should function and the responsibility which is owed to those who are most in need. Part of the responsibility is creating a safe space where a voice can be given to the voiceless.

When people participate in community there needs to be a place where they can talk about the injustices which they have suffered and the

⁷⁰ See also Smit’s article *The Impact of the Church in South Africa* (2004) for a discussion on how congregations and the ecumenical church function in civil society in South Africa as well as how the role of the church and individual Christians has changed (and is changing) after the end of apartheid.

oppression which they have endured. And they need to talk about this with the perpetrators of the injustice and the oppressors. It needs to be a space where both parties can feel safe and can be given an opportunity to remember together, giving voice to the pain and suffering, and creating an identity for all people, where toleration and respect and honour are granted regardless of circumstances. Liberation and equality need to go hand in hand with participation.⁷¹

Karen Lebacqz suggests that the place to start speaking about justice is from injustice (1987:35).⁷² Her reasoning is that there is more consensus of what is unjust than what is just. Sen is in agreement. He argues that the question ‘what is a just society?’ is not a good starting-point for a useful theory of justice.⁷³ This perhaps has some logic in creating a just community. Speaking about injustice is giving a voice to those who are being treated unjustly. It is opening a space where people can talk and share their stories, a process which is vitally important on the road to recovery. When talking only of justice, the task will often inevitably fall to the educated and the wealthy – those who are supposed to know what

⁷¹ Lovin emphasises people must be a part of the deliberations about themselves. “To seek the good of others requires that we empower them for this participation in their own right. Because justice requires both liberty and equality, we cannot render to persons what they are due simply by giving them a full share of their entitlements – thought that is important. They must also be free to take part in the deliberations that determine what those entitlements are, and they must resist in the name of this more complete liberty any version of liberty that offers freedom without participation, or any version of equality that offers entitlements without deliberation” (Lovin 1995:230).

Wolfgang Huber similarly says that “Wirkliche Gerechtigkeit kann also nur in dem Maß verwirklicht werden, in dem ein Gleichgewicht zwischen Freiheit und Gleichheit ermöglicht wird; sie zielt also auf gesellschaftliche Strukturen, in denen Freiheit und Gleichheit sich wechselseitig fördern und begrenzen” (1996a:171). Thus, giving equal priority to liberty and equality possibly remains one of the greatest challenges in the struggle for justice.

⁷² She later suggests that it is inappropriate to search for absolute rules for justice. “Justice is not “to each according to need.” Nor is it “benefit the least advantaged.” Nor is it “the greatest good for the greatest number.” Because justice emerges out of protest against injustice, justice is not so much a state of being as a struggle and a constant process. It is the process of correcting what is unjust. It is the process of providing new beginnings, not an ideal state of distribution” (Lebacqz 1987:152).

⁷³ Sen goes on to say that a systematic theory of comparative justice does not need, nor does it necessarily yield, an answer to the question ‘what is a just society?’” (2009:105).

justice is.⁷⁴ Listening to the voices of those who are the victims of injustice, also gives them dignity. Injustice is not only physical, but the dehumanization and the lack of dignity are the results of being treated as a second-class citizen or as undeserving of any status as a human being.⁷⁵

Sen speaks of “transcendental institutionalism” (2009:5ff). This focuses, as does Rawls, on the nature of justice, in an ideal society therefore by default, rather than comparing just and unjust practices and finding less unjust alternative. Rawls expects all citizens to act in a just way, which he himself acknowledges (1971:7-8). This is probably not a reasonable expectation and does not take into account the fallibility of human nature and the injustice present in society. It also does not allow a space for the oppressed to stand up against the injustice, and offer their opinions and experiences.

Theology, as opposed to law, and the church, as opposed to government structures, offers a unique space, hopefully a safe space, for individuals to find community and a place to express themselves freely. Justice develops in many different ways – those who speak about justice, those who speak against injustice, those who give people opportunities to learn and to grow, and the space that is created for people to remember in a place of safety. Naudé, writing about the *Truth and Reconciliation Commission* which took place in South Africa in the 1990’s, speaks of restorative justice (reparation) alongside questions of memory, truth and reconciliation (2003:140). The emphasis is placed on reconciliation, not retribution. Smit suggests that true reconciliation and restorative justice should accompany one another (2007d:339). There needs to be discourse

⁷⁴ When we are searching for truth, it is necessary that there is always a right attitude. It is important to build right attitudes in our mutual human relationships before something lasting can be achieved in the world (Beyers Naudé 2006:18).

⁷⁵ Duncan Forrester writes that the “voice of the victims should be treated as a primary and privileged insight into the nature of injustice, which must not be pushed aside” (1997:57). We need to discover what justice is by not ignoring the injustice, or attempting to define injustice from a position of privilege and dominance

about truth, guilt and reconciliation and it is to this end that shared stories are important, particularly when they give people the opportunity to lament that which was lost.⁷⁶

By creating a dialogue between all peoples, we are protecting any authority against absolute superiority. Both Rawls and Niebuhr emphasise that there is always a more just way of doing things and we continually have to scrutinise our own practices and principles to ensure that we are not becoming unjust, or to put it more subtly, that there is not a more just way of living. While it is important to have a place where all people can feel safe enough to voice their experiences, it is also important to have a place for reflection on the policies, and to take responsibility for acting in a way which is most just under the circumstances.⁷⁷

Too often, moral superiority has stood in the way of justice. We do not necessarily see things clearly from our perspective, and the perspectives of others are necessary to give more liberty and equality. There are not necessarily two principles of justice as put forward by Rawls. It is important to realize that there is more than one way of overcoming injustice.⁷⁸ It is also important to realize the necessity of involving the

⁷⁶ See Smit's insightful discussion about dialogue with regards to the Anglo-Boer War and the Truth and Reconciliation Commission in South Africa and the importance of not only forgiving, but also remembering as well as the limitations on the stories we share (Smit 2007d).

⁷⁷ Dialogue is not straight-forward however. What we share in common may not always be enough, and a common heritage may not offer enlightenment to our problems today. Smit discusses the difficulties of dialogue in a specifically reformed tradition where he addresses problems encountered in doctrine and ethics, reception and authority, which all impact on how dialogue can take place and the effectiveness of the interaction. Despite all the difficulties and divisions, however, he concludes that the very same issues which are divisive may "lead to more serious involvement and participation" (Smit 2007a:249).

⁷⁸ Sen focuses on seven points that social choice theory contributes to a theory of justice. While I have no intention of entering into a dialogue with social choice theory, I do believe that this argument holds relevance for the argument of this thesis. "Perhaps the most important contribution of the social choice approach to the theory of justice is its concern with comparative assessments. This relational, rather than transcendental, framework concentrates on the practical reason behind what is to be chosen and which decisions should be taken, rather than speculating on what a perfectly just society (on which there may or may not be any agreement) would look like. ...

people in decisions. Sen points out that the “basic connection between public reasoning, on the one hand, and the demands of participatory social decision, on the other, is central not just to the practical challenge of making democracy more effective, but also to the conceptual problem of basing an adequately articulated idea of social justice on the demands of social choice and fairness” (2009:112-113).

Hollenbach argues that the pursuit of the common good is dialogic. “Cultural differences are so significant that a shared vision of the common good can only be attained in a historically incremental way through deep encounter and intellectual exchange across traditions. It is also dialogic because it sees engagement with others across the boundaries of traditions as itself part of the human good” (2002:153). He suggests that although the starting point for the church is the gospel and Christian

Social choice theory has given considerable recognition to the plurality of reasons, all of which demand our attention when issues of social justice are considered, and they may sometimes conflict with each other. This inescapable plurality may or may not lead to an impossibility result, yielding an impasse, but the need to take note of the possibility of durable conflicts of non-eliminable principles can be quite important in the theory of justice. ...

We often think, if only implicitly, of the plausibility of principles in a number of specific cases which focus our attention on those ideas – the human mind cannot often enough grasp the immense reach of general principles. But once the principles are formulated in unconstrained terms, covering *inter alia* a great many cases other than those that motivated our interest in those principles, we can run into difficulties that were not foreseen earlier. We then have to decide what has to give and why. ...

Social choice theory allows the possibility that even a complete theory of justice can yield incomplete rankings of justice. Indeed, the incompleteness in many cases can be ‘assertive’, yielding statements such as *x* and *y* *cannot* be ranked in terms of justice. This contrasts with an incompleteness that is tentatively accepted, while awaiting – or working towards – completion, on the basis of more information, or more penetrating examination, or with the use of some supplementary criteria. ...

A person’s voice may count either because her interests are involved, or because her reasoning and judgement can enlighten a discussion. Also, a person’s judgment may be seen as important either because she is one of the parties directly involved (this may be called ‘membership entitlement’), or because the person’s perspective and the reasons behind it bring important insights and discernment into an evaluation, and there is a case for listening to that assessment whether or not the person is a directly involved party (this can be called ‘enlightenment relevance’). There is some general merit in the explicitness of fully stated axioms and carefully established derivations, which make it easier to see what is being assumed and what exactly they entail. Since the demands that are linked to the pursuit of justice in public discussion, and sometimes even in theories of justice, often leave considerable room for clearer articulation and fuller defence, this explicitness can itself be something of a contribution. ...

Given the complex nature of human values and social reasoning, they may often be hard to capture in precise axiomatic terms, and yet the need for explicitness, to the extent that can be achieved, must have much dialogic merit. How far to go towards axiomatization cannot but be, to a considerable extent, a matter of judgement in dealing with the competing claims of precise characterization, on the one hand, and the need to take note, on the other, of the complexities that may be hard to axiomatize but which are nevertheless significant concerns that can be usefully discussed in more general – and somewhat looser – terms. ... (2009:106-111)

tradition, a commitment to dialogue and mutual inquiry suggest that “there is a truth about the human good that must be pursued and that makes a claim on the minds and hearts of all persons” (Hollenbach 2003:12).⁷⁹ Thus, creating a space for dialogue and a participatory community is indispensable in the pursuit of justice.

4.3.5 Justice and a global world

“The neighbourhood that is constructed by our relations with distant people is something that has pervasive relevance to the understanding of justice in general, particularly so in the contemporary world. We are linked with each other through trade, commerce, literature, language, music, arts, entertainment, religion, medicine, healthcare, politics, news reports, media communication and other ties” (Sen 2009:172).⁸⁰ But as our borders grow ever wider, the need for community and a sense of belonging becomes more pressing as it becomes more desperate to retain a communal identity. The growing need for awareness of how our actions affect not only those people who surround us or who share our government but those on the other side of the world has also become imperative. For every action there is a reaction, and we need to become aware of what our actions are doing, even when we do not witness the results, whether this

⁷⁹ Hollenbach views dialogue as the key to the challenge of pluralism and interdependence. There is “interaction between fidelity to the distinctive religious beliefs and distinctive traditions of Christianity, on the one hand, and the pursuit of an inclusive, universal community, on the other. Dialogue – the active engagement of listening and speaking with others whose beliefs and traditions are different – is the key to such dynamism. Where such dialogue is absent, the chances of obtaining a vision of the common good of the world we are entering will be small to the point of vanishing” (2003:15).

⁸⁰ A recent study, *Dreaming a Different World, Globalisation and Justice for Humanity and the Earth. The Challenge of the Accra Confession for the Churches*, has recently been published and is available online. The objective of the Globalisation Project was “to interrogate the issues emanating from the Accra Confession, share our experiences from within our different historical, social, economic, political and theological contexts; and to seek common understanding of the complexities of the challenges confronting the church.” The Evangelisch Reformierte Kirche in Germany and the Uniting Reformed Church in Southern Africa formed the two task teams which studied issues affected by injustice such as gender, water, food, consumerism and poverty, to mention just a few. The *Globalisation Report*, edited by Allan Boesak, Johann Weusmann and Charles Amjad-Ali, is available online at

<http://academic.sun.ac.za/tsv/downloads/Globalisation%20report%202010%20proof%203.pdf>.

is because our immediate neighbours are not affected or because of a temporal void. What are the implications of how we live (where we shop, what we eat, how much petrol we use) to the political decisions made by our government for other peoples and other nations, as well as for future generations?⁸¹

We are intimately linked to many other people, even if those ties are not visible or immediately recognisable.⁸² We have a responsibility to other people and we have a duty to assist them. This is juxtaposed with the obligation we have through solidarity and membership to members of the same group or groups.⁸³ A person will belong to many different groups at the same time, although some scholars (Sen among them) argue that it is increasingly popular to see people in terms of “one dominant ‘identity’” which is “not only an imposition of an external and arbitrary priority, but also the denial of an important liberty of a person who can decide on their respective loyalties to different groups” (Sen 2009:247). It is local groups that will help improve the morality of the community. On a global level, the political realm is not large enough to protect everybody and everything.⁸⁴ Universal justice brings with it its own inequalities as is

⁸¹ Walzer is supportive of liberalism’s human rights argument. He claims that “we should defend the human rights of individuals across the globe and look for international agencies that can undertake some, at least, of the function of the liberal state: redistributing resources to enable the largest possible number of individuals to pursue happiness; sustaining a liveable environment for all the world’s inhabitants; maintaining a system of law enforcement aimed at equal protection for men and women, rich and poor, and so on. Liberalism’s theoretical drift – even if practice lags far behind – is toward a global regime that relates directly, with equal respect and concern, to each and every human individual” (2004:132-3).

⁸² “The concept of ‘global civil society’ has been developed in recent literature to articulate the sense that contemporary problems facing local and international communities can only be addressed by a robust set of global networks. These must transcend nation states while remaining independent of political and economic institutions at the multinational level. [The development of a global or transnational civil society] is necessary to address the economic imbalances of international capitalism, threats to the earth’s ecosystem, and the problems of terrorism, abuse of human rights and the dangers posed by the proliferation of nuclear weapons. On this scale, civil society is a reminder that we are dealing with something crucial to human survival and well-being” (Fergusson 2004a:147).

⁸³ Sandel speaks of “obligations of solidarity” that are not natural duties (what we owe to persons as persons on a global level) and go beyond what we owe other people (2009:223-5).

⁸⁴ Communities are continually changing to adapt to the way in which life is becoming more global. “Local citizens’ movements and alternative institutions are emerging and are trying to create

seen in the large space between rich and poor, powerful and dependant countries.⁸⁵

The world is roughly divided into a wealthy sector (North America, northwest Europe and Japan) which forms the core of the economic system and the poorer periphery (Wolterstorff 1983:31). The core is engaged in “capital-intensive, high-technology, high-wage production, whereas the periphery is dominantly engaged in labor-intensive, low-technology, low-wage production.” The periphery is thus dominated by the core, leading to extreme unevenness in wealth and inequality in lifestyles. The core generally grows at the expense of the periphery.⁸⁶

Because of this glaring inequality, immigration laws are a growing concern when talking about global inequality.⁸⁷ One of the greatest

greater economic self-sufficiency, internalize costs to earth in the price of goods, sustain livelihoods, work out agricultures appropriate to regions, preserve traditions and cultures, revive religious life, maintain human dignity, repair the moral fiber, resist the commodification of all things, be technologically innovative with renewable and non-renewable resources, revise urban designs and architecture, preserve biological species and protect ecosystems, and cultivate a sense of earth as a sacred good held in trust and in common” (Rasmussen 1996:351).

⁸⁵ Injustice is glaringly apparent in the inequality of national wealth and this presents serious problems for dealing with injustice, oppression and responsibility. “The inequality of nations complicates the case for national community. If all countries had comparable wealth, and if every person were a citizen of some country or other, the obligation to take special care of one’s own people would not pose a problem – at least not from the standpoint of justice. But in a world with vast disparities between rich and poor countries, the claims of community can be in tension with the claims of equality. The volatile issue of immigration reflects this tension” (Sandel 2009:230).

⁸⁶ Rasmussen describes this in slightly different terms: “The economic and cultural drive pushing the forward stampede is concentrated in the industrialized world and its extensions in the “developing” world. It is globalization that includes the vast majority of people as measured by impact but excludes most of them as measured by benefit” (1996:349).

⁸⁷ Sandel argues that open immigration can be opposed on moral grounds only if we “accept that we have a special obligation for the welfare of our fellow citizens by virtue of the common life and history we share” (2009:232). He quotes Walzer (1983:32-33), who says that “it is only if patriotic sentiment has some moral basis, only if communal cohesion makes for obligations and shared meanings, only if there are members as well as strangers, that state officials would have any reason to worry especially about the welfare of their own people ... and the success of their own culture and politics.”

Ayelet Shachar in *The Birthright Lottery, Citizenship and Global Inequality* draws attention to the specific exclusion people face by citizenship, as opposed to the inclusion. When the national government is able to protect its people and offer them a decent life, citizenship offers countless opportunities. When people are poor, oppressed and suffering, citizenship can be a burden. This is a segment of justice (and injustice) which is rarely considered as a political and juridical form of oppression and exclusion.

challenges is how to be free while respecting civil society, or how to be an individual in a group which might often seek to challenge the autonomy of the individual. Finding the balance between our identity-forming associations, while also respecting the individual's right to freedom, requires dialogue between competing groups and competing ideas.⁸⁸ It is almost impossible for people to fulfil their ambitions and live a good life without some transfer of resources at some stage in their life cycle. For this, "societies rely on the contributions of different generations at different stages in their life cycles" (Shachar 2009:159). This means that the working population will, to a greater or lesser extent, support the elderly, the young and others who are unable to work. This protects the citizens of a country, but offers no assistance to immigrants or to citizens of other countries; in many cases it does not offer enough assistance even to citizens. Huber draws attention to the right of foreigners including discussions on the right to asylum, the humanitarian right to stay, immigration law and the rights of resident aliens (Huber 1996:387ff).

Global rights, or "global emancipation," can ensure equality for more people in more places, if implemented correctly. It represents the "loosening of the grip of the sovereign state on its individual members" (Walzer 2004:134). A global politics needs to work hand in hand with a stronger state – redistribution will depend ultimately upon the state

Brian Barry points out that it one of the most important things that determine people's prospect is the country in which they are born and as such the institutions which define life chances in the world need to be subjected to criticism on the basis of the principles of justice (1989:237).

⁸⁸ Pluralism and freedom are often contradictory. There are many instances where autonomy is subordinated to the practices of a certain group. "In theory, civil society is created by autonomous individuals, but in practice many of its associations are unfriendly to autonomy. More than this, many of the groups that coexist in civil society, that seek recognition and empowerment within it, are not themselves liberal or democratic, even though they appeal to liberal and democratic norms. Let's consider now the inequalities that prevail within them, in the form of charismatic leadership, hierarchical organization, elite dominance, and gender discrimination. The effect of all these, singularly or together, is that some of the members are more free than others. ... The question is, How do we defend freedom under conditions, first, of group autonomy, and, second, of hierarchical subordination in many of the autonomous groups? Or, given the fact of pluralism, what sorts of subordination and what sorts of subordinating practices are we prepared to tolerate, and what sort not, in the civil society of a democratic state?" Walzer's answer to this is to emphasise the mutual dependency of citizens (Walzer 2004:85,87).

rather than global egalitarianism, although international laws protecting women and children, for example, are necessary to ensure the emancipation of all citizens of all states and nations. Huber presents an interesting discussion on ethics in human rights in his discussion of international law. He suggests ten points which he feels are necessary to develop a planetary ethos. He includes recognising the quality of all people as well as the value of nature, tolerance of the convictions and lifestyles of others, taking seriously the lives and right to life of the next generation, addressing oppression and discrimination and using freedom in a responsible way (Huber 1996a:383).

What is noticeably lacking, particularly in light of recent concern over the well-being of the earth, is any engagement with ecological ethics in the work of both Rawls and Niebuhr. A theology which is concerned with the entire creation can extend justice discussions beyond the political, social and economic realms. Justice should extend beyond human beings and account for both the animals and the earth upon which we are dependant for our existence. The language of stewardship needs to become more prominent in our discussions of justice. We do not only have an obligation to our neighbour, but we are to care for the earth and all living creatures, too. Sally McFague speaks of the necessity of developing a culture of “enoughness.” This is realizing that “the cruciform way of Christ means making sacrifices so that others might live” (2001:33). The greed of our (Western, capitalistic) culture has left many oppressed and the idea of the “good life” which is a part of the consumer life-style needs to be replaced with a giving, caring and sharing culture.⁸⁹ We should not shy away from

⁸⁹ “...the common good of public life is a realization of the human capacity for intrinsically valuable relationships, not only a fulfillment of the needs and deficiencies of individuals. It is true, of course, that social life is necessary to meet a person’s needs for food, shelter, familial nurturance in childhood, basic educations, the protection of public safety, etc. From one point of view, therefore, these dimensions of the common good are instrumental to the good of the individual. Human beings are vulnerable and needy. But it is also true that eating with others, sharing a home with others, and benefiting from education, intellectual exchange, and friendship are all aspects of a life of positive social interaction and communication with others. They are not extrinsic means to human flourishing but are aspects of flourishing itself. ... If we overlook these bonds of relationship, the goods of the relationships themselves will not be part of the picture of the common good. The good of the

the search for a moderate lifestyle; we need to learn to share for the sake of solidarity and community.⁹⁰ It is also essential that we recognise the complexity of justice, particularly when trying to affirm the richness of society.⁹¹ There are so many facets and so many aspects to justice that any discussion of justice will be incomplete, and any list of injustices will be boundless.

Globalisation offers many exciting opportunities, but any attempts to become “religious” need to be “resisted, confronted, and where possible transformed with a “Christ-centered” ethics” (Naudé 2006:281). This calls a community to a “renewed vision of Christ’s Lordship as constitutive for their very existence as a community, and as identity-confirming narrative in times of change and transition” (Naudé 2006:282). As boundaries decrease, sense of meaning needs to increase. Recognising where our meaning is situated, and what that means for our lives, our lifestyles, and the lives of those around us, needs to be affirmed and evaluated. We have a responsibility to live in a way which promotes the equality of all people and their right, both individually and in community, to freedom and participation.

community itself will be ignored. The common good ... is a value to be pursued for its own sake” (Hollenbach 2002:81).

⁹⁰ Forrester captures this beautifully: “We need to learn to live simply so that others may simply live” (Forrester 2001:179-180).

⁹¹ Justice can never be straightforward; different relationships call for different interpretations of justice. “Justice has a plurality of meanings because we have many kinds of relationships in our lives. ... Respect for the richness of social life, therefore, calls for a nuanced and differentiated understanding of the meaning of justice. A single criterion, such as need or merit, administered by a single institution, such as the government or the market, betrays the rich and complex reality of social existence” (Hollenbach 1988:81).

4.4 Justice and the Christian Community

The involvement of the church, theology and church law in society can be ambivalent. Wolfgang Huber discusses relationship between theology and law in *Gerechtigkeit und Recht* (Huber 1996a:30ff). The popular philosophical position holds that there is no relationship between theology and the law, a position which can find much substantiation in a painful history. But Huber contends that it is the task of theology to ensure that religious freedom is maintained in society while the religious neutrality of the state is preserved as well as to relate Christianity to the coexistence of people in society. The Christian perspective, the perspective which springs from the unconditional love of God, remains essential to the relationship between state and church. God is not separated from the state and from the law, but theology has the twofold task of ensuring the religious freedom as well as the religious neutrality of the state.⁹²

So Christianity is not a private religion, but is critically engaged within society. It is the task of the church to direct people towards that which is most precious in their lives: namely reconciliation with God and mutual recognition of love. However, together with the state, it is the task of the church to search for justice and peace (Huber 1996a:454). Thus the church as community has a specific role to play in ensuring justice.

⁹² „Doch er anerkennt seine Grenzen wie seine Aufgaben nur dann, wenn das Bewußtsein lebendig bleibt, daß er von Voraussetzungen abhängig ist, die er selbst weder hervorzubringen noch zu garantieren vermag. Der Theologie ist wachsame und kritische Begleitung nach beiden Seiten hin aufgetragen. Sie hat das Ihre dazu beizutragen, daß die Religionsfreiheit geachtet und die staatliche Religionsneutralität gewahrt bleibt. Aber sie hat ebenso das Ihre zu tun, um die Voraussetzungen alles staatlichen Zusammenlebens zu klären and zu verdeutlichen, welche Folgen sich ergeben, wenn das gemeinsame Leben im Staat aus der Perspektive des christlichen Glaubens betrachtet wird. Aus der Perspektive des christlichen Glaubens – das heißt: aus der Perspektive der vorbehaltlosen Menschenfreundlichkeit Gottes. ...

Deshalb wird selbst in Verfassungstexten von politischer Verantwortung gesprochen, etsi Deus daretur. Die Rolle der Theologie für die Deutung des Rechts besteht darin, diese Voraussetzung wie ihre Folgen zu präzisieren. Doch sie hat zugleich dafür einzustehen, daß dies in einer Form geschieht, welche die Religionsfreiheit aller Bürgerinnen und Bürger ebenso achtet wie die Religionsneutralität des Staates.“ (Huber 1996a:40).

The church should provide people with a solid moral grounding so that they can live a distinctive life in a society which is often a confusing mass of divergent communities and diverse voices. People need to believe in something which can provide an alternative to, while not completely rejecting, modern society, the freedom of liberalism and the confusion of plurality. It is necessary for theology to engage critically with other voices in the political arena, as well as to encourage church members to do the same. Fergusson warns against developing a “works righteousness”; we are reliant upon the Holy Spirit to guide us, and a strong pneumatology is necessary in our political involvement. He describes the mission of the church as “providing an authentic moral voice in a world too often compromised and confused” (2004:98).⁹³

O'Donovan calls Christians to take a responsible interest in politics, and when entering into Christian deliberation to undertake a specific Christian reflection.⁹⁴ At the same time, the Christian voice in the political arena will be apologetic, addressing “a crisis that is more pressing on unbelievers than on believers; and so it also offers reasons to believe” (O'Donovan 2005:xii).⁹⁵ For Niebuhr, his intense involvement in

⁹³ The church is required to be one voice amidst a plethora of voices. “Moral formation in the church is not exclusively preoccupied with the particular ethical insights of the Christian faith. Much of the time, these insights will be shared with others in the overlap of moral traditions and the wisdom they generate. Yet the grounds for moral action, commitment, and persistence will be determined by the specific character of Scripture together with the devotional and educational practices of the church. In a post-Christian setting, these will clash much of the time with forces inside secular society. For the sake of moral formation, therefore, countercultural passions, activities and groups will require to be kept in good working order. This will generate not merely an ethical orientation that is in part distinctive to the life of the church; it may also provide an antidote to the amorality that can be highly tolerant while indifferent to the common good” (2004:114-5).

⁹⁴ Theology has to enter into critical dialogue and put forward its unique position; thus, it needs to enter the public forum without losing integrity. “Theology may have a modest but constructive and questioning contribution to make both to the theoretic discussions which undergird policy and to the policy-making itself” (Forrester 1997:31).

⁹⁵ A few pages later he says that “ethics has by its nature the force of an apologetic, not merely because the existence of a community reflecting systematically out of Christian belief upon the challenges of living in love is “attractive,” ... but because it is interpretive. It gives us reason to believe that our lives are not, after all, merely thrown together, but are susceptible of coordinated social meaning, even a beauty...” (O'Donovan 2005:xv).

politics could never be separated from the church – he was firstly a pastor, but that certainly did not limit his ministry to Christian circles alone.

James Gustafson makes use of a fourfold moral discourse which involves prophetic, narrative, ethical and policy discourses.⁹⁶ This is an attempt to translate a specifically theological discourse into a discourse which can be understood in civil society. Similarly, Heinrich Bedford-Strohm describes a “public theology model” which is a bilingual model; “on the one hand, [the church] gives account of its biblical and theological roots using biblical text and metaphors, and on the other hand it shows why its proposals and affirmation are plausible and make sense for all people of good will, using the language of secular discourse” (2005:151).

Smit describes the task of theology as seeking “to engage with existing theoretical frameworks by drawing on its own sources and resources” (2005:228). In this way, theology attempts to contribute broad ideas concerning justice which can help formulate, evaluate and implement law. It does not attempt to Christianise politics but rather to engage critically with society, introducing a different perspective.

Human rights in the secular are not at all strange to Christians. Rather, the Christian faith brings a different orientation with regards to human rights and human dignity.⁹⁷ Huber and Tödt (1977) discuss Luther’s three

⁹⁶ Naudé (2008) makes use of this for an analysis of the Accra Confession, and as a discourse model I think it offers valuable insight into how theology can enter into the public realm, offering hope for the future while also affirming the dignity of people by placing them in the centre of the change and remaining true to belief in God. At the same time, it also emphasises the necessity of also focussing on the necessary policy and institutional changes, most often in dialogue with other disciplines.

Koopman (2005a) applies Gustafson’s model to the churches’ quest “to speak appropriately about public issues like economic justice.” He concludes that it is necessary to challenge people (individuals and communities) to reconsider their values and their identity and their self-understanding in an attempt to restore their dignity.

⁹⁷ For example, while the indispensability of a person in the political is grounded in the principle, in Christianity the uniqueness is deepened by belief in God and relationship to God (Huber & Tödt 1977:174).

spiritual fundamental rights of brotherly love, equality and freedom (as understood by Johannes Heckel). These are the complete converse of the secular fundamental principles of freedom, equality and brotherliness (Huber and Tödt 1977:173). Christians can thus enter the human rights debates with their own perceptions about the foundations of rights and justice, which can strengthen their arguments when arguing for the freedom, equality and participation of all people. The foundation may not be acceptable to all people, but it can offer some sort of validation may find an echo in secular arguments.

It is necessary, though, for the church not to confirm the status quo but to seek continual transformation. While it may prefer a democratic society its task is not primarily to legitimate democracy but rather to “inject into the democratic system a vision that pushes democracy beyond its present achievements towards a greater expression of what we believe is God’s will for the world” (De Gruchy 2004:59). While recognising how valuable democracy is in according freedom and equality to people, the church also recognises the weaknesses of democracy, and the limits which are placed upon the state (Huber 2004).⁹⁸ The state is neither inherently good nor evil. It should be recognised as a tool of governance which has the possibility to improve life for all people, yet its policies and practices need to be continually evaluated to ensure that the power is not abused. It is necessary that theology “affirms the importance of political, social and economic life as the sphere of God’s grace and involvement, and critiques the present state of political, social and economic life precisely because

⁹⁸ „Eine besondere Zustimmung der Christen verdient die Demokratie, so habe ich das schon damals ausdrücklich erläutert, vor allem deshalb, weil sie eine Würde des Menschen anerkennt, die aller staatlichen und gesellschaftlichen Macht vorgeordnet ist. Dass die Würde der menschlichen Person nicht vom Staat hervorgebracht oder entzogen werden kann, ist dem christlichen Glauben besonders wichtig – versteht er doch den Menschen als Gottes Ebenbild und zugleich als den Sünder, der von Gott angenommen, trotz aller Sünde also von ihm selbst mit Würde und Anerkennung bedacht wird. Von der Unverfügbarkeit der menschlichen Würde geht jede christliche Beschäftigung mit der Demokratie aus. Deshalb aber beginnt das Verständnis der Demokratie mit der Einsicht in die Grenzen, die dem Staat gesetzt sind.“ (Huber 2004)

God's will of grace and salvation has not been fulfilled in any historical situation and in any given society or system" (Smit 2007b:382).

Huber and Tödt (1977:162ff) suggest that there are certain analogies between human rights and fundamental content of the Christian faith.⁹⁹ According to the Bible, the indispensability of human freedom is based on the freedom found in the grace of God. By this grace, all things belong to a person (1 Cor. 3:21-23) and all things are allowed, with the condition that all things are not good (1 Cor. 6:12). Thus for the Christian, freedom is inseparable from community and from responsibility to the world; it is not an individualistic freedom which is pronounced by law.

Similarly, the Christian idea of equality is based on the equality found in Jesus Christ, where all determining characteristics are stripped away (Gal 3:26ff). Equality in the law should overcome all differences, making inequalities invalid, but this has the danger of being only law, not true acceptance of the other (Huber & Tödt 1997:167).¹⁰⁰ Closely linked to equality is participation. People are not always given the opportunity to participate in society, often either by exclusion from a small group or specific community or blatant excluded from society on a whole. In the Christian community, everyone is included in the community by baptism (Huber & Tödt 170-171).¹⁰¹

The community of the church, as opposed to privatized religion or spirituality, is necessary to foster care and concern for others.

⁹⁹ „Grundinhalten des christlichen Glaubens“

¹⁰⁰ „Analog hierzu nimmt der Mensch als Mensch auch in der Rechtsgemeinschaft eine Gleichheit in Anspruch, die er nicht hergestellt hat, die durch offenkundige Ungleichheiten immer wieder verdunkelt wird, auf die er sich aber gleichwohl als auf einen unaufgebbaren Titel beruft. ... Gleichheit als Grundmuster der Sozialität kann als kühle Zuordnung von Individuen, die einander bloß auf der Basis von Rechtsansprüchen begegnen, ausgelegt werden.“

¹⁰¹ This inclusion has often been limited in the past, and still is by the exclusion of certain races from worship services extreme cases, or positions of authority, and the exclusion of women from holding certain positions or offices in the church.

Commitment to a community joins us to others, making us aware of their needs and their circumstances, and the necessity of our involvement in righting wrongs and basically looking after other members of the community (Rasmussen 1993:104-5). The church as the body of Christ functioning in society is an important part of the church's work in the world.¹⁰² The church needs to discover its voice in affirming secular, political ideas from a Christian perspective (a perspective which often strengthens the existing ideas) without losing its distinctive Christian voice.

Smit, in his article on Reformed ethics and economic justice, suggests three questions that are relevant when considering the ethical or moral dilemmas: "What constitutes a good and moral society? What constitutes good and moral people? And: What constitutes good and moral decision-making?" (Smit 2007b:380). These three questions ensure that we act in a way which is continually trying to reform and renew society and structure by offering support and getting involved and doing what we can.

But Christians are not only members of a Christian community. They need to be equipped to deal with their specific Christian ethics and convictions in a non-Christian environment. Christianity offers a thick morality which gives meaning to many of the more liberal and secular principles. People need to be aware of the Christian basis of what they do and why they do it, and the importance of the specific Christian ethic, so that Christianity does not become meaningless, or silent, in their lives.

¹⁰² Huber refers to a study of expectations of the church in Germany. The primary role of the church is to provide a place for spiritual communication, in the forms of pastoral care, worship and prayer and other social involvement has often taken second place and is expected by members to take second place. The division between private religion and public church is growing and it is necessary for the church to equip members to be Christians in their public lives. "Die Kluft zwischen privatisierter Religion und öffentlicher Kirche ist in den letzten Jahrzehnten gewachsen. Diese Kluft wieder zu verringern, gehört zu den großen, keineswegs leicht zu lösenden Aufgaben. Glaubenscourage ist nötig, wenn man – ohne Bekehrungspenetranz – auch im öffentlichen Leben, im Beruf oder in den persönlichen Beziehungen sein Christsein erkennbar macht. In dieser alltäglichen Gegenbewegung gegen die Privatisierung des Glaubens sehe ich den wichtigsten Aspekt im Verhältnis von Zivilcourage und Kirche." Social involvement and political participation offers the church, and its members, a chance to increase their contact with society (see Huber 2004 (online)).

The specifically Christian ethics need to be translated into a more secular discourse so that it can remain relevant. Theology needs to be contextual and to continually engage people in the situations in which they find themselves.¹⁰³ Beyers Naudé was described as being “at once a deeply spiritual and a profoundly secular person...His is a worldly Christianity, but one deeply grounded in a very traditional understanding of theological identity” (Villa-Vicencio, A life of resistance and hope. In: Villa-Vicencio, C. and J.W. De Gruchy (eds.). 1985. *Resistance and hope. South African essays in honour of Beyers Naudé*. Cape Town: David Philip, 3-13. Cited in Pauw 2006:9). It is necessary to be socially and historically aware to be a Christian not only in a limited Christian community, but to be a Christian in the world.

The Christian community draws strength from the increasing dissociation of church and civil society in the western world (Fergusson 1998:1).¹⁰⁴ There is no longer Christian justification for the standards, morals, lifestyles, assumptions and policies of global, secularized and multi-cultural societies; the era of Christendom has passed. But this does not mean that the voice of the church in the public realm is silenced; it rather means that the way in which the church and society interact with each other has changed.¹⁰⁵ The Church as a community can articulate a vision

¹⁰³ Christina Landman points out the need for a specific theology for times of poverty (particularly in response to the recession of 2008/2009). Theology needs to hold people accountable (for their own and for each other's dignity), it needs to remind people that suffering is not always senseless but should be a reminder of vulnerability and that social justice needs to continually re-evaluate the social situation (she speaks particularly of an empathetic justice) (Landman 2009).

¹⁰⁴ Fergusson speaks of “Christian communitarianism” but I find this term problematic and so opt to rather speak of a Christian community, which is still very much a part of society.

¹⁰⁵ Huber argues that despite the fact that the voice of theology is so often disregarded in law, it is impossible to deny the Christian origins of human rights. He argues that justice and justification should not be separated. „Theologische Beiträge zur Ethik des Rechts sind heute alles andere als selbstverständlich. Sie werden von der Rechtswissenschaft und der Rechtsphilosophie in aller Regel auch nicht erwartet. Dabei braucht es jedoch nicht zu bleiben. Denn eine historische Besinnung zeigt schnell, dass unser Rechtssystem sich in beständiger Auseinandersetzung mit Grundeinsichten des christlichen Glaubens, insbesondere mit Grundaussagen des christlichen Menschenbildes, entwickelt hat. Diese Auseinandersetzung hat zu einem Menschenbild des Rechts geführt, nach welchem alle Menschen – unbeschadet der Verschiedenheiten des Geschlechts, der Rasse, der Fähigkeiten, des Vermögens und sofort - als mit gleicher Würde begabt angesehen werden weshalb ihnen allen die

which is distinctive and often contradictory to common culture. Huber states that the church's involvement in society cannot ignore or forget about its roots: the Bible, the reformation, the Protestant devotion to social issues and the church's devotion to justice and solidarity (2007a).¹⁰⁶ The Christian community needs to be representative of the kind of people God has made possible in Jesus Christ: a people committed to forgiveness, to loving one another, to seeking to serve one another and to making peace (Fergusson 1998:5).¹⁰⁷ The celebration of the Eucharist, as a place where all differences are abolished and a place where people stand as complete equals before God is a reminder of the community which we are being called to display in this world.

Niebuhr continually emphasised that although we strive for a just society, it will not be realized within history. This inspires a prophetic faith which calls us to meaningful action and responsibility. Niebuhr saw the struggle for justice as a responsibility which develops from our response to salvation. Thus, any Christian response to political, social and economic matters is in the light of the eschatological hope of our salvation.

gleiche Achtung geschuldet ist. Die Radikalität dieses Menschenbilds des Rechts erschließt sich, so heißt meine These, am ehesten aus dem Gedanken der Rechtfertigung. Nicht nur unter historischen, sondern auch unter systematischen Gesichtspunkten ist deshalb der Beitrag der Theologie zur Ethik des Rechts von erheblicher Bedeutung. An keinem Thema erschließt sich das deutlicher als an der Verhältnisbestimmung von Rechtfertigung und Recht" (2000b:11).

¹⁰⁶ „Für das, was wir heute „Sozialen Protestantismus“ nennen, muss man zumindest vier Wurzeln nennen: die biblische Botschaft, den reformatorischen Aufbruch, die protestantische Zuwendung zur sozialen Frage und schließlich das Ja der Kirche zu Gerechtigkeit und Solidarität.“

For Huber, freedom is an important theme throughout his work, specifically what he calls “communicative freedom.” Because of the freedom sinners have by their justification, we are called to responsible action in and continual engagement with society.

For a South African perspective on Huber's communicative freedom, see Willem Fourie's unpublished doctoral thesis: *Communicative Freedom? Wolfgang Huber's critical engagement of modernity* (2009).

¹⁰⁷ Fergusson suggests that both the Old and the New Testament human life under the rule of God is inescapably political. It has a covenantal, social dimension that is fulfilled not merely by the practice of individual holiness but by the observance of standards of justice. The well-being of individuals cannot be abstracted from the common good. These belong together. An apolitical faith makes no sense at all (2004a:21).

This is a hope that is borne of the conviction that the present injustice will be overcome. This rejoicing is not from relief of oppression, but simply from the opposite of sadness (Lebacqz 1987:134). Because we know that the future is secured by the grace of God alone, it removes the burden of having to be successful. The church can patiently await the justice which will reign in God, while witnessing to this hope in a prophetic way in civil society. Faith, rather than success, accompanies the eschatological hope. The eschatological hope is not apathetic though. It emphasises our responsibility in community. It seeks to get involved and ease the pain and suffering in the here and now. Prophetic theology seeks to criticise existing practices and to bring hope for the future. The freedom which we have in life through God is a freedom which calls us to a life of “helping, of edifying, of letting humanness emerge” (Brueggemann 1976:68). Huber similarly connects freedom and responsibility. Our freedom is realized in our relationships – to God, to fellow human beings and to the earth. But with this freedom comes a great social responsibility.¹⁰⁸

According to Huber and Tödt, this eschatological perspective calls humanity together in a “universal community of responsibility.”¹⁰⁹ The solidarity which is found before God clearly shows the great divide

¹⁰⁸ According to Huber, human beings live in different relationships, and in all of them freedom and social responsibility go together. „Grundsätzlich versteht christliche Sozialethik gerade in ihrer evangelischen Gestalt den Menschen als Beziehungswesen. Die Freiheit verwirklicht sich in diesem Verständnis nicht einfach im Selbstsein des Menschen, sondern sie prägt die Beziehungen, in denen sich sein Leben vollzieht. Die Beziehung zu Gott, die Beziehung zur Welt, die Beziehung zu anderen Menschen und die Beziehung zu sich selbst sind die vier Hinsichten, in denen sich die Existenz des Menschen als Beziehungswesen auslegen lässt. Wenn er das zur Freiheit bestimmte Lebewesen ist, dann muss sich diese Freiheit folglich auch in all diesen vier Hinsichten zeigen: als Freiheit des Glaubens, als Freiheit des Umgangs mit der Welt, also insbesondere auch ihrer forschenden Durchdringung und technischen Gestaltung, als Freiheit im Miteinander der Menschen, also insbesondere auch in Solidarität und wechselseitiger Verantwortung, als Freiheit im Verhältnis zu sich selbst, also insbesondere in der Möglichkeit zu einer gewissen bestimmten Lebensführung und in der Freiheit zur Verwirklichung des für richtig Erkannten. Betrachtet man die menschliche Freiheit so, dann liegt in einer nur auf Selbstverwirklichung und Eigenverantwortung bezogenen Freiheitsauffassung keineswegs eine konsequente Durchführung des Freiheitsgedankens; es handelt sich dabei vielmehr um eine inkonsequente und verhängnisvolle Verengung des Verständnisses der menschlichen Freiheit. Aus dieser grundsätzlichen Erwägung heraus plädiert christliche Sozialethik für den unlöslichen Zusammenhang von Freiheit und sozialer Verantwortung” (Huber 2007b).

¹⁰⁹ “universalen Verantwortungsgemeinschaft”

between this world and the Kingdom of God. Thus, the person who finds freedom in the majesty of God does not live in an egocentric way, but in communicative freedom, thus living in a “universal community of communication.”¹¹⁰ Huber and Tödt conclude that it can be seen as an indirect expression of the coming majesty of God when Christian participate in the universal rights community with courage and hope (Huber and Tödt 1977:176-181) and that it is possible to understand human rights in the promise of the majesty of God (Huber and Tödt 1977:175):

Hier steht die Zukunft von Welt und Mensch im Blick: die Erwartung des eschatologischen Gericht Gottes, die Hoffnung auf ein Bestehenkönnen in diesem Gericht und die Hoffnung des Menschen für die Welt, für einen neuen Himmel und eine neue Erde.

Courage and hope are necessary because where there is sin and selfishness there will always be a struggle for justice. Justice is fragile and sometimes, if not often, it will fail. It is a process and as such will need constant rethinking, reordering and redoing. We need to continually pray for eyes to see and ears to hear. Smit (2004b), making use of H.E. Tödt's model, suggests that it is necessarily to engage in a process off see, judge and act. We need to be aware of the problems in the world and accept them as an ethical challenge, which means that a responsible analysis of the situation is necessary. This necessitates a critical analysis of what ethical and moral answers are appropriate, beyond the law and politics. Accepted ways of thinking and living need to be challenged and changed, new world-views need to be introduced which call people to responsibility for their own lives and actions and for the lives of people and the world surrounding them. People need a framework of reference, however, and they need to be given a different, and better, way of thinking and doing when their way is no longer working. Applicable norms and criteria need to be evaluated, and the opinions of others need to be taken

¹¹⁰ “universalen Kommunikationsgemeinschaft”

into account. Once a decision has been made, it needs to lead to action, to change the existing reality (Smit 2007b:393).

For Fergusson, it is the dominion of God that elicits, and indeed demands, lifestyles which respond to divine justice and goodness. However, this cannot be fully realised and thus generates an eschatological hope that is measured and reassessed by the life and crucifixion of Jesus, now risen, ascended and present within his community. The coming reign of God is anticipated by the church and at the same time fulfilled partially by his grace. The eschatological message is about “rectification; it is about the final and all encompassing flourishing of justice” (Bedford-Strohm 2008:162):

This eschatological message is not a message of fear; it is good news. It contains a vision of good life for our existence here and now; this vision is the all inclusive pursuit of happiness. If we cannot be happy against others but only with others, then a world which promises a life in dignity for every human being is the most fascinating vision of good life and of happiness that can be imagined. It is a vision for all people of goodwill; therefore it is a public vision, and Christians are called to be its most passionate public witness.

Thus, we see a promise of a community which is just; it is a community in which life is valued and in which all people share the responsibility but also delight together in the rewards. It is some approximation of this perfection that we are called to seek on earth, waiting in anticipation. This waiting in anticipation is also a discontent with the way things are. We must always strive for a more perfect justice, and not settle for what institutions and policies are calling justice.¹¹¹

¹¹¹ Niebuhr’s Christian Realism tries to do just this, by being critical of what is being done and realistic about what can actually be achieved. “Christian Realism, however, points to the biblical suspension of the circumstances of justice, not to set up an alternative moral reality for Christians to dwell in, but precisely to redefine the circumstances of justice for everyone. The biblical account of human sin and the requirements of original righteousness are ‘maintained not purely by Scriptural authority but by the cumulative experience of the race.’”

To the subjective circumstances of justice, among which Rawls identifies the factual pluralism of human aims and the concern that we all have to protect our own interests, Niebuhr would insist that experience – and not just Christian faith – requires us to add a disposition not to be satisfied with any system of justice that only balances competing interests. To the objective circumstances of justice,

What our eschatological hope can bring to the table for justice is found not only in a prophetic theology but in our prayer lifestyle.¹¹² A Trinitarian-focused theology offers the space for creation to cry out in pain, and for believers to praise God, to admit their guilt and inadequacy, to seek God's will in their lives and in the life of the church and to ask for mercy and for strength and for hope. When Niebuhr criticises the liturgy of the church, it is a reminder that our faith does not simply exist in a vacuum, but is part of a narrative which connects us in history as we remember those who have walked the earth before us, it connects us to our contemporaries as we remember both our and their pain and suffering, and it connects us to a future, where there is hope that things will be different. The Christian faith does not only see the world as worthy of improvement, but also as capable of improvement (Bedford-Strohm 1993:143).¹¹³

It would be wrong ... to view the history of the world's cultures and civilization with an eye only upon their decline. They die in the end; but they also live. Their life is a testimony to the creativity of history, even as their death is a proof of the in history. ... For God's judgments are never precipitate and the possibilities of repentance and turning from the evil way are many. According to the degree with which civilization and cultures accept these possibilities of renewal, they may extend their life indeterminately (Niebuhr 1943:305-6).

Thus there is always hope for change, a hope which activates us to live in a way which seeks to lessen injustice and to increase dignity, given each person the opportunity and the freedom to participate in society.

Rasmussen (1993:138) points out that before Christians were called "Christians" at Antioch, they were "the people of the way." To walk in the

which Rawls links to the conditions of scarcity that require us to be concerned about distribution in the first place, Niebuhr adds that the objective circumstances of justice must include the impossibility of a system of justice that fully satisfies the subjective circumstances of justice" (Lovin 1995:207)

¹¹² Smit writes about the importance of prayer in the life of a church as well as the celebration of communion where the baptised call out to God and then take the message to those in need, so that they may also taste something of the goodness of the presence of Jesus Christ (2004a:351-353).

¹¹³ "Der christliche Glaube sieht die Welt nicht nur als verbesserungswürdig, sondern auch als verbesserungsfähig an."

“the way” as a “people of the way” involves a moral style so intimately related to the destination itself that to wander from the way is also to miss the goal, which is a righteous life in a community faithful to God as a “foretaste of what is to come.” In the Christian community of the New Testament, being took priority over doing (Fergusson 1998:12). The kind of people Christians were, and are, called to be should result in a certain kind of behaviour. The Biblical history provides us with the hope and the courage to live in anticipation of life which is to come. The present is filled with injustices; but we know from the past that God is a God of life. The purpose of a people who live in such anticipation is to give present social form to a hoped-for-future (Rasmussen 1993:144). Thus to choose a life of love, lived out in justice, is to choose to live in an alternative way as a community of hope in the secular society. As Martin Luther said

The church is the pupil of Christ, sitting at his feet and hearing his Word so that she may know how to pass judgment on everything, how to serve in one’s calling, how to administer public offices, aye, also how to eat, drink, and sleep, that there may be no doubt about the proper conduct in any walk of life but, surrounded on all sides by the Word of God, one may constantly walk in joy and in the light.¹¹⁴

For justice to apply as an ethic for a renewed and restored world, it is necessary for the church to live in this way.¹¹⁵ While the community is committed to love of God and neighbour, it is also committed to concrete kinds of conduct (Harrelson 1980:190). The Christian context of love and grace, which calls us to act with justice, respect, and dignity for human life, must be kept alive. We need to live in an eschatological reality so that we can act in a way which is life-giving, life-restoring and life-sustaining. It is in this way of life that shalom, peace and wholeness, for life as God

¹¹⁴ Quoted in Rasmussen 1993:153. The quote is taken originally from Herbert Borkering and Roland Bainton, 1985. *Luther’s Germany*. Minneapolis: Augsburg. Page 51

¹¹⁵ Theology has already made crucial contributions to discussions on human rights. The challenge now “is to explore ways of contributing to the fulfillment, implementation and actual practicing of these rights; to develop theories, ways of seeing and thinking, ways of public thinking, that foster the practical and concrete enforcement, implementation and fulfillment of these rights” (Koopman 2005b:130).

intended it be can become a reality. Hollenbach suggests that an “ethic under the sign of the cross” would open our eyes to the suffering of the world today and draw us into solidarity with those who suffer, calling us to action to alleviate the suffering and overcome its causes (2003:67). He thus uses the cross as symbol to push human suffering to the centre of social ethics, giving a universal appeal to a specifically Christian symbol. It is the voice of the suffering to whom theologians should listen to, and also to those “whose Christian faith and conviction gives them a way of coping with adversity, evaluating policies which affect them and transforming their circumstances” (De Gruchy 2004:61).

We are faced with the interminable injustice of a fallen world. Yet, in the midst of the pain, the lack of love, and the lack of justice, we find room for rejoicing. This is a joy which comes from claiming one’s own identity in the midst of the struggle for justice (Lebacqz 1987:133). This is the joy which comes from seeing the truth, life as it can be, and moving towards it. It is a determination to keep on going despite the injustice of the circumstances. It is a determination to continue to act out of love despite the hate. It is a joy which speaks hopefully of a world which can be very different to the reality of the present.

4.5 Conclusion

Rawls and Niebuhr both offer interesting and convincing discussions of justice. The optimism of Rawls and the realism of Niebuhr offer a good balance for critical discussion. Rawls’s social philosophy is complemented by Niebuhr’s theological ethics and bringing the two scholars into dialogue with each other and with theology has produced rewarding results.

The biblical notion of a preference for the poor highlights an important part of justice which will always need attentions. While this has not been prominent in the work of Rawls or Niebuhr, Rawls’s difference principle

offers a good example of how the Christian position can be translated and implemented by other disciplines.

Theological ethics offers rich and diversified arguments about justice, taking seriously social, economic and political theory, while at the same time remaining intensely critical, aware of the fallibility of human nature and the inability to achieve perfect justice in this world. It also remains self-critical, seeking always for a more equal and better justice, refusing to become self-sufficient and all-knowing.

Human dignity is an important biblical concept, valuing the dignity of each and every person, and taking seriously their need for respect and dignity. Community, and solidarity in that community, is necessary for each person to recognise their inalienable value as a human being and their potential to succeed.

Community is essential for the development of values and respect. People should have a place where they can learn to treat each other justly and fairly. In community they can learn to think ethically and develop a sound moral character, with an emphasis on responsibility and duty. Human beings are essentially spiritual beings, and the church can provide a place which can fulfil this need. The church community can be a place of instruction, a safe place where people can learn to live together with differences and care for others.

It is not only local communities that are relevant to justice, but global communities, too. Justice needs to be practiced on an ever-increasing level and nations need to learn how to deal not only with their own injustice but with the injustice of their neighbours and the effects of their actions on other people.

In a Christian community people are confronted with agapic love of God, which was the yardstick by which Niebuhr measured human justice. It is this love to which we are ultimately striving, seeking for something more

than fairness in our justice. Love reminds us of the value of every person, the need for respect and dignity, the community of which we are a part and to which we owe a responsible ethic and lifestyle.

The eschatological hope is where the church is called to action. Merely hoping for a different future is not enough; that hope is encouragement to search for more justice every day. It is about remaining intensely critical of how justice is implemented in society, and the failure of human institutions to fully realize justice. However, it does not give in to apathy and hopelessness, but looks and judges and acts on what it sees.

While overarching, universal, ahistorical principles of justice may be appealing and indeed a necessary yardstick by which to measure injustice, justice will paradoxically always remain contextual and rooted in our beliefs and morals. To find a solution for a particular unjust situation and to correct the current evils requires a specific solution suitable for the present community. Wolterstorff speaks of a community of shalom and a “city of delight”; he suggests that “where shalom exists, there we enact our responsibilities to one another, to God, and to nature. But shalom is more than that. It is fully present only where there is *delight* and *joy* in those relationships” (1983:124). We nurture our biblical visions as a “narrative of a radically other world made possible by the knowledge of the Lord” (Naudé 2006:286).

We are continuously aware, as Niebuhr was, that our justice is always pointing towards something more. Emil Brunner, too, pointed this out:

When we call something just, we mean to denote by the word something which is morally good – morally good insofar as the word justice can only be used where the human will is involved. ... Love refers to persons, never to things. In the personal sphere, love, not justice is the highest good. ... Looked at from the standpoint of love, it presents the appearance of a kind of inferior morality, of a mere preliminary stage of the good (Brunner 1945:16-17).

What is needed is an increased sense of meaning in life, value of human life and a refusal to accept anything less. Our lives are not institutions, and should not be treated as such. The inescapability of institutions which govern our lives needs to be kept separate and be accountable to different laws than what our individual lives are accountable to.

For the Christian faith, love plays an essential role at the base of any discussion about justice. But love is an unsuitable ethic for a political community. Justice needs to be found between love as the starting point and love as the end point. Imperfect love is translated into justice, albeit also imperfect. But it is a justice which is more than fairness. It does not only give to each person what is their due, but gives them dignity and the opportunity to be a person in a community of persons. It remains intensely critical of justice, knowing how imperfect justice is, and acknowledging the fallibility of people and institutions, but living always in hope.

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